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BILL 156

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

71

An Act to amend The Grain Elevator Storage Act

THE HON. W. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to section 2.

SECTION 2. Defines and restricts powers of inspectors, defines the grounds for refusal to issue, refusal to renew and grounds for suspension or revocation of licences. The section also provides for the establishment of the "Grain Elevator Storage Licence Review Board".

SECTION 3. Complementary to section 2.

SECTION 4. The authority to make regulations is restructured.

An Act to amend The Grain Elevator Storage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "Board" means the Grain Elevator Storage Licence Review Board;

(ea) "licence", except in subsection 2 of section 15, means a licence under this Act;

(eb) "Minister" means the Minister of Agriculture and Food.

2. Sections 6, 7 and 8 of the said Act are repealed and the following substituted therefor:

6.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to enforce this Act and the regulations.

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister.

(3) Subject to subsections 4, 5, 6 and 7 an inspector may, for the purpose of carrying out his duties under this Act, upon production of a certificate of his appointment,

(a) enter any grain elevator including any building used in connection therewith that he believes on reasonable

and probable grounds are used by a grain elevator operator and inspect such grain elevator or building and any grain stored and books, records or documents pertaining thereto; and

- (b) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to grain stored by a grain elevator operator.

Entry of
dwellings
R.S.O. 1970,
c. 450

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for storing books, records or documents that have not been produced or furnished by the occupant in accordance with a demand under clause b of subsection 3.

When powers
to be
exercised

(5) An inspector shall exercise his powers under subsection 3 at all reasonable times, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Production
of records,
etc.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may remove and detain them for the purpose of making, or causing to be made, one or more copies thereof if such copies are made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of copy

(7) Where a copy of a book, record, document or extract has been made under subsection 6, a copy purporting to be certified by the inspector to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Obstruction
of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator unless he is the holder of a licence as a grain elevator operator issued by the chief inspector in respect of the grain elevator.

(2) The chief inspector shall issue a licence as a grain elevator operator to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of the opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with the law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;
- (e) where the applicant was previously the holder of a licence and,
 - (i) such licence was revoked, or
 - (ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business, was convicted of an offence,

under this Act, the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

- (f) the applicant is not financially responsible.

(3) Subject to section 8, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

8.—(1) The chief inspector may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of the opinion that,

- (a) the licensee has ceased to possess or have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) the licensee has failed to provide promptly and accurately a grain storage receipt to a producer from whom he received farm produce for storage;
- (d) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (e) any ground for refusing to issue a licence under subsection 2 of section 7 exists.

Licence
deemed to
continue
in force

(2) Where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of
hearing

8a.—(1) The notice of a hearing by the chief inspector under section 7 or 8 shall afford the applicant or licensee a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Documents
to be made
available

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Chief
inspector
may vary
or rescind
decision

8b. Where the chief inspector has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision but the chief inspector shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and regulations.

8c.—(1) A board to be known as the “Grain Elevator Storage Licence Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established

(2) A member of the Board shall hold office for not more than five consecutive years. Term of office

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman, etc.

(4) A majority of the Board constitutes a quorum. Quorum

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

8d.—(1) Where the chief inspector refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Board within fifteen days after receipt of the decision of the chief inspector, appeal to the Board. Appeal to Board

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the chief inspector. Disposal of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal

8e.—(1) The chief inspector, the appellant and such other persons as the Board may specify are parties to the proceeding before the Board under this Act. Parties

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to court

8f.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to be filed in Court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal
of appeal

3. Section 17 of the said Act is repealed.

s. 17,
repealed

4. Section 19 of the said Act is repealed and the following substituted therefor:

s. 19,
re-enacted

19. The Lieutenant Governor in Council may make regulations,

Regulations

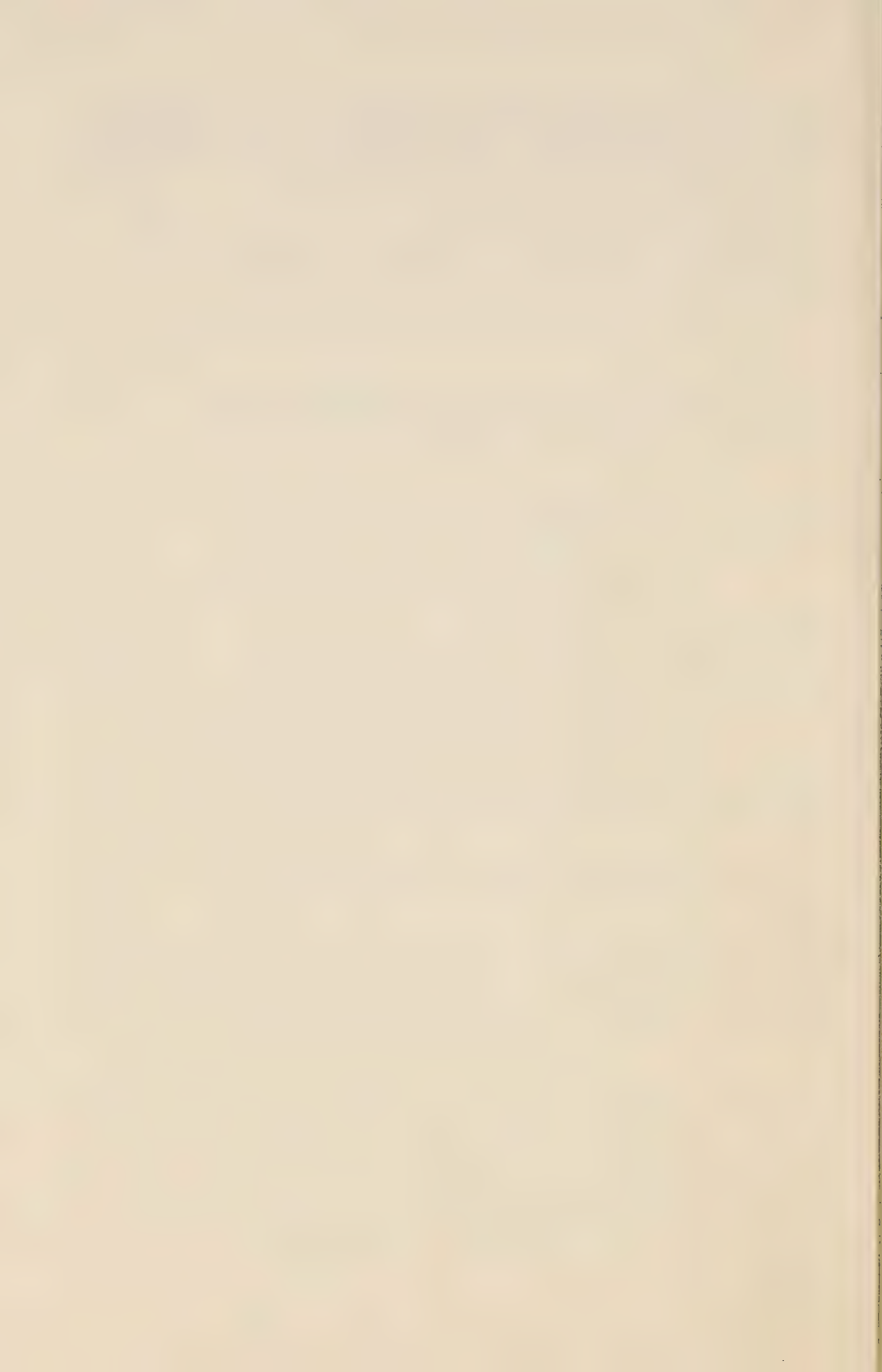
- (a) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (b) prescribing the terms and conditions on which licences are issued;
- (c) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 8;
- (d) prescribing forms and providing for their use;
- (e) prescribing services that may be performed and acts that may be done by the chief inspector to protect the property of the producers of farm produce received for storage at a grain elevator where the licence of the grain elevator operator has not been renewed or has been suspended or revoked;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Grain Elevator Storage Amendment Act, 1973*.

Short title



An Act to amend
The Grain Elevator Storage Act

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)



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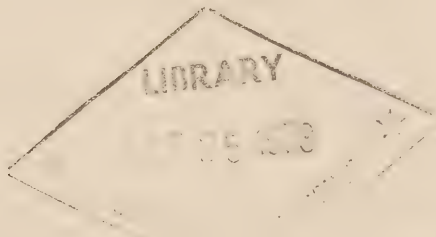
Government
Publication

BILL 156

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Grain Elevator Storage Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Grain Elevator Storage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Grain Elevator Storage Act*, being chapter 195^{s. 1, amended} of the Revised Statutes of Ontario, 1970, is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "Board" means the Grain Elevator Storage Licence Review Board;

(ea) "licence", except in subsection 2 of section 15, means a licence under this Act;

(eb) "Minister" means the Minister of Agriculture and Food.

2. Sections 6, 7 and 8 of the said Act are repealed and the following^{ss. 6-8, re-enacted} substituted therefor:

6.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to enforce this Act and the regulations. ^{Appointment of chief inspector and inspectors}

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister. ^{Certificate of appointment}

(3) Subject to subsections 4, 5, 6 and 7 an inspector may, for the purpose of carrying out his duties under this Act, upon production of a certificate of his appointment, ^{Powers of inspector}

(a) enter any grain elevator including any building used in connection therewith that he believes on reasonable

and probable grounds are used by a grain elevator operator and inspect such grain elevator or building and any grain stored and books, records or documents pertaining thereto; and

- (b) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom relating to grain stored by a grain elevator operator.

Entry of
dwellings
R.S.O. 1970,
c. 450

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for storing books, records or documents that have not been produced or furnished by the occupant in accordance with a demand under clause b of subsection 3.

When powers
to be
exercised

(5) An inspector shall exercise his powers under subsection 3 at all reasonable times, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

Production
of records,
etc.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may remove and detain them for the purpose of making, or causing to be made, one or more copies thereof if such copies are made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of copy

(7) Where a copy of a book, record, document or extract has been made under subsection 6, a copy purporting to be certified by the inspector to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Obstruction
of inspector

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator unless he is the holder of a licence as a grain elevator operator issued by the chief inspector in respect of the grain elevator.

(2) The chief inspector shall issue a licence as a grain elevator operator to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of the opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with the law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;
- (e) where the applicant was previously the holder of a licence and,
 - (i) such licence was revoked, or
 - (ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business, was convicted of an offence,

under this Act, the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

- (f) the applicant is not financially responsible.

(3) Subject to section 8, the chief inspector shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

8.—(1) The chief inspector may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of the opinion that,

- (a) the licensee has ceased to possess or have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) the licensee has failed to provide promptly and accurately a grain storage receipt to a producer from whom he received farm produce for storage;
- (d) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (e) any ground for refusing to issue a licence under subsection 2 of section 7 exists.

Licence
deemed to
continue
in force

(2) Where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the chief inspector on his application for renewal.

Notice of
hearing

8a.—(1) The notice of a hearing by the chief inspector under section 7 or 8 shall afford the applicant or licensee a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Documents
to be made
available

(2) An applicant or licensee who is a party to proceedings in which the chief inspector holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Chief
inspector
may vary
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decision

8b. Where the chief inspector has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee vary or rescind his decision but the chief inspector shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and regulations.

8c.—(1) A board to be known as the "Grain Elevator Storage Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. Review Board established

(2) A member of the Board shall hold office for not more than five consecutive years. Term of office

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman, etc.

(4) A majority of the Board constitutes a quorum. Quorum

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

8d.—(1) Where the chief inspector refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the chief inspector and filed with the Board within fifteen days after receipt of the decision of the chief inspector, appeal to the Board. Appeal to Board

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the chief inspector or direct the chief inspector to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the chief inspector. Disposal of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the chief inspector, unless the chief inspector otherwise directs, the decision of the chief inspector is effective until the appeal is disposed of. Effect of decision pending disposal of appeal

8e.—(1) The chief inspector, the appellant and such other persons as the Board may specify are parties to the proceeding before the Board under this Act. Parties

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to court

8f.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to be filed in Court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the chief inspector to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the chief inspector or the Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Effect of
decision of
Board
pending
disposal
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3. Section 17 of the said Act is repealed.

s. 17,
repealed

4. Section 19 of the said Act is repealed and the following substituted therefor:

s. 19,
re-enacted

19. The Lieutenant Governor in Council may make regulations,

Regulations

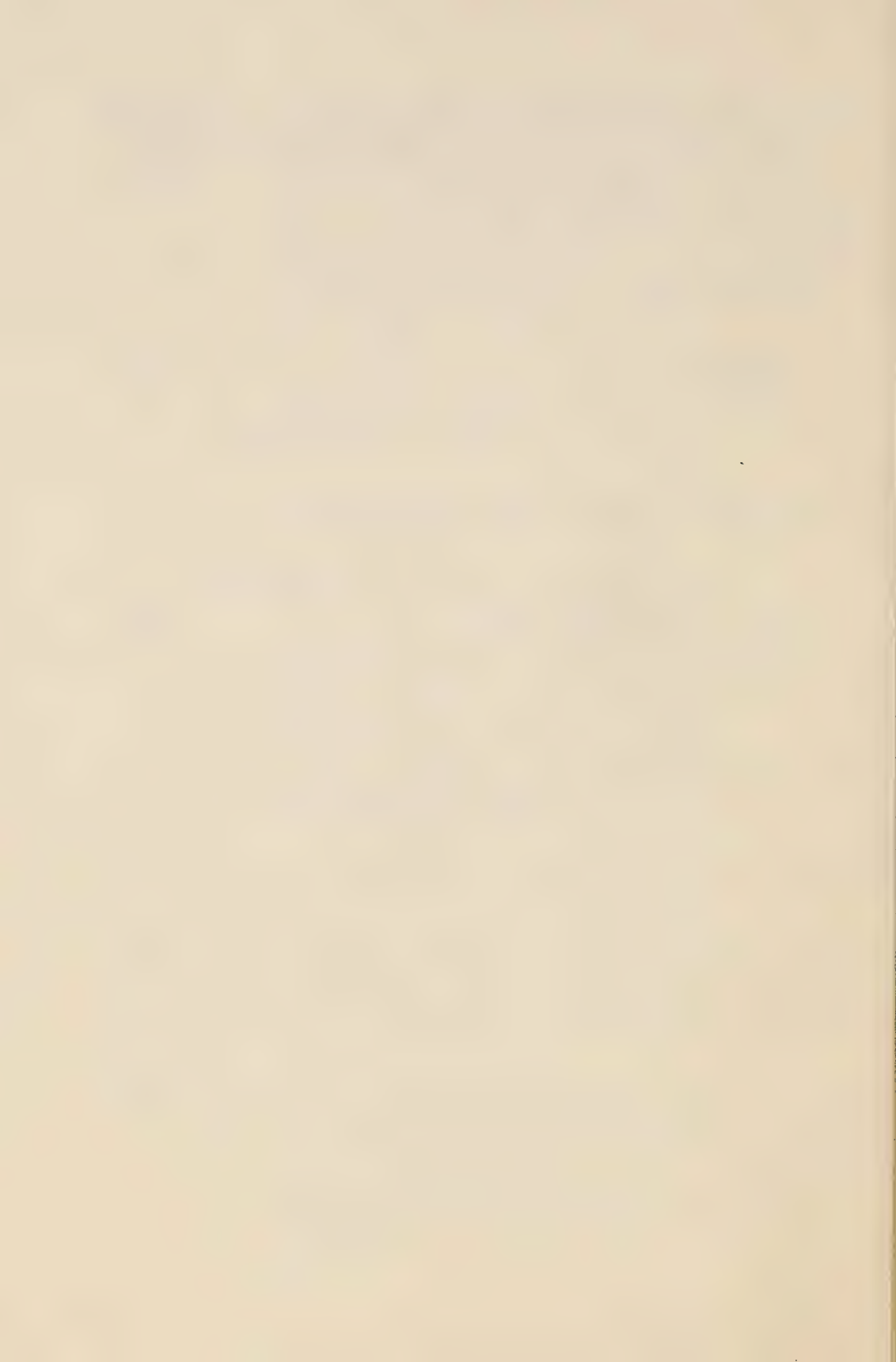
- (a) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (b) prescribing the terms and conditions on which licences are issued;
- (c) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 8;
- (d) prescribing forms and providing for their use;
- (e) prescribing services that may be performed and acts that may be done by the chief inspector to protect the property of the producers of farm produce received for storage at a grain elevator where the licence of the grain elevator operator has not been renewed or has been suspended or revoked;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Grain Elevator Storage Amendment Act, 1973*.

Short title





*An Act to amend
The Grain Elevator Storage Act*

1st Reading

June 12th, 1973

2nd Reading

October 2nd, 1973

3rd Reading

October 2nd, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

XB

-B 56

BILL 157

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Weed Control Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

1. Sections 1 and 2 of the Bill are complementary to section 3.
2. Section 3 revises the appeal procedures in the Act to conform to new appeal provisions in *The Municipal Act*.

BILL 157

1973

An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 13 of *The Weed Control Act*, being <sup>s. 13 (5),
re-enacted</sup> chapter 493 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(5) The council shall cause every amount paid under <sup>Collection
of costs</sup> subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Municipal Act*.

R.S.O. 1970,
c. 284

2. Section 14 of the said Act, as amended by the Statutes of <sup>s. 14,
amended</sup> Ontario, 1972, chapter 39, section 5, is further amended by striking out "subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*", in the fifteenth, sixteenth and seventeenth lines.

3. The said Act is amended by adding thereto the following <sup>s. 14a,
enacted</sup> section:

14a. An application to the council for the cancellation, ^{Appeals} reduction or refund of any amount levied in the year in respect of which the application is made may be made by any person subject to an appeal to the Assessment Review Court in the same manner as for taxes under section 636a of *The Municipal Act*.

4. Subsection 2 of section 20 of the said Act is repealed and <sup>s. 20 (2),
re-enacted</sup> the following substituted therefor:

(2) Subsection 1 applies to a person who is in contravention <sup>Appli-
cation of
penalty</sup> of section 4 or of an order made under subsection 1 of section 11 notwithstanding that procedures for destroying weeds are provided for.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Weed Control Amendment Act, 1973*.

An Act to amend
The Weed Control Act

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Weed Control Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



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An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 13 of *The Weed Control Act*, being ^{s. 13 (5),} chapter 493 of the Revised Statutes of Ontario, 1970, is repealed ^{re-enacted} and the following substituted therefor:

(5) The council shall cause every amount paid under subsection 4 to be placed on the collector's roll against the land concerned and it shall be collected in the same manner as taxes under *The Municipal Act*.

Collection
of costs

R.S.O. 1970,
c. 284

2. Section 14 of the said Act, as amended by the Statutes of ^{s. 14,} Ontario, 1972, chapter 39, section 5, is further amended by ^{amended} striking out "subject to an appeal to the Assessment Review Court, in the same manner as for taxes under section 76 of *The Assessment Act*", in the fifteenth, sixteenth and seventeenth lines.

3. The said Act is amended by adding thereto the following ^{s. 14a,} section: ^{enacted}

14a. An application to the council for the cancellation, ^{Appeals} reduction or refund of any amount levied in the year in respect of which the application is made may be made by any person subject to an appeal to the Assessment Review Court in the same manner as for taxes under section 636a of *The Municipal Act*.

4. Subsection 2 of section 20 of the said Act is repealed and ^{s. 20 (2),} the following substituted therefor: ^{re-enacted}

(2) Subsection 1 applies to a person who is in contravention ^{Appli-} of section 4 or of an order made under subsection 1 of section 11 ^{cation of} notwithstanding that procedures for destroying weeds are ^{penalty} provided for.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Weed Control Amendment Act, 1973*.

An Act to amend
The Weed Control Act

1st Reading

June 12th, 1973

2nd Reading

October 2nd, 1973

3rd Reading

October 2nd, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

XB

-B 56

BILL 158

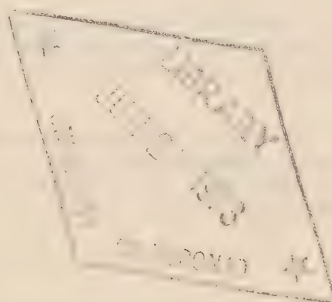
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

An Act to amend The Child Welfare Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 and 2. The amendments make it clear that a judge who grants a preliminary adjournment under subsection 10 of section 25 need not be the same judge who holds the hearing under subsection 1 of section 25 and makes an order under section 26.

SECTION 3. The amendment makes it clear that a judge who makes an order to vary a payment under subsection 2 of section 27 may be a different judge from the one who makes a wardship order or other order under section 26 in the same case.

SECTION 4. The amendment makes it clear that a judge who terminates or extends a society wardship order under section 31 may be a different judge from the one who makes the original order under section 26.

SECTION 5. The amendment makes it clear that a judge who issues a warrant under section 57 for a putative father who is about to leave the jurisdiction may be a different judge from the one who makes the affiliation order under section 59.

BILL 158

1973

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 25 of *The Child Welfare Act*, being ^{s. 25 (10),} amended chapter 64 of the Revised Statutes of Ontario, 1970, is amended by striking out "the" in the first line and inserting in lieu thereof "a".
2. Section 26 of the said Act is amended by striking out "the" ^{s. 26,} amended in the first line and inserting in lieu thereof "a".
- 3.—(1) Subsection 2 of section 27 of the said Act is amended ^{s. 27 (2),} amended by striking out "The" where it occurs the first time in the first line and inserting in lieu thereof "A".

(2) Subsection 5 of the said section 27 is amended by ^{s. 27 (5),} amended striking out "Where the judge has made an order" in the first line and inserting in lieu thereof "Where an order has been made".
4. Section 31 of the said Act is amended by striking out "the" ^{s. 31,} amended where it occurs the first time in the fourth line and inserting in lieu thereof "a".
5. Subsection 2 of section 57 of the said Act is amended by ^{s. 57 (2),} amended striking out "the" in the first line and inserting in lieu thereof "a".
6. This Act comes into force on the day it receives Royal Assent. ^{Commence-} ment
7. This Act may be cited as *The Child Welfare Amendment Act*, ^{Short title} 1973.

Bill 100

An Act to amend
The Child Welfare Act

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

CA20N

XB

-B56

BILL 158

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Child Welfare Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 158

1973

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 25 of *The Child Welfare Act*, being ^{s. 25 (10),} amended chapter 64 of the Revised Statutes of Ontario, 1970, is amended by striking out "the" in the first line and inserting in lieu thereof "a".
2. Section 26 of the said Act is amended by striking out "the" ^{s. 26,} amended in the first line and inserting in lieu thereof "a".
- 3.—(1) Subsection 2 of section 27 of the said Act is amended ^{s. 27 (2),} amended by striking out "The" where it occurs the first time in the first line and inserting in lieu thereof "A".
- (2) Subsection 5 of the said section 27 is amended by ^{s. 27 (5),} amended striking out "Where the judge has made an order" in the first line and inserting in lieu thereof "Where an order has been made".
4. Section 31 of the said Act is amended by striking out "the" ^{s. 31,} amended where it occurs the first time in the fourth line and inserting in lieu thereof "a".
5. Subsection 2 of section 57 of the said Act is amended by ^{s. 57 (2),} amended striking out "the" in the first line and inserting in lieu thereof "a".
6. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
7. This Act may be cited as *The Child Welfare Amendment Act*, ^{Short title} 1973.

An Act to amend
The Child Welfare Act

1st Reading

June 12th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services

CA20N

XB

-B 56

BILL 159

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Homes for Retarded Persons Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “home for retarded persons” is amended to include part of a building.

Subsections 2, 3 and 4. Self-explanatory.

SECTION 2. The amendment provides for approval by the Minister rather than by the Lieutenant Governor in Council.

SECTION 3.—Subsection 1. The amendments are consistent with the changes made in sections 1 and 2 of the Bill.

Subsection 2. The amendment is consistent with section 2 of the Bill.

An Act to amend The Homes for Retarded Persons Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of section 1 of *The Homes for Retarded Persons Act*, being chapter 204 of the Revised Statutes of Ontario, 1970, is amended by inserting after “means” in the first line “all or any part of”.^{s. 1 (d), amended}
- (2) Subclause vi of clause *d* of the said section 1 is repealed.^{s. 1 (d) (vi), repealed}
- (3) Clause *e* of the said section 1 is amended by striking out “Social and Family Services” in the first and second lines and inserting in lieu thereof “Community and Social Services”.^{s. 1 (e), amended}
- (4) Clause *f* of the said section 1 is amended by striking out “Department of Social and Family Services” in the third and fourth lines and inserting in lieu thereof “Ministry of Community and Social Services”.^{s. 1 (f), amended}
2. Section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.^{s. 2, amended}
- 3.—(1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, by striking out “a building” in the second line and inserting in lieu thereof “all or any part of a building or buildings” and by inserting after “building” in the fifth line “buildings or part thereof, as the case may be”.^{s. 3 (1), amended}
- (2) Subsection 2 of the said section 3 is repealed and the following substituted therefor:^{s. 3 (2), re-enacted}

Effective
date of
approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the home for retarded persons takes effect.

s. 4 (1) (a),
repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4 (1) (d),
amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after “building” in the first line “or any part thereof”.

s. 4 (1) (e),
amended

(3) Clause *e* of subsection 1 of the said section 4 is amended by inserting after “site” in the first line “or use”.

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Construction
grants

5. When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Minister may, out of moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new home for retarded persons, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new home for retarded persons, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Acquisition
grants

6. Where,

- (a) the acquisition or structural alteration of all or any part of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or
- (b) the Minister has approved the renovation of all or any part of a building maintained and operated or to be maintained and operated as a home for retarded persons,

SECTION 4.—Subsection 1. Self-explanatory.

Subsection 2. The amendment is consistent with section 1 of the Bill.

Subsection 3. The amendment requires that the Minister approve of a change in the use of an approved home.

SECTION 5. The amendment to section 5 provides for approvals by the Minister rather than by the Lieutenant Governor in Council and allows an increase in the amount that may be paid out by regulation.

The amendment to section 6 provides for the payment of capital grants for alterations or renovations to a home.

SECTION 6. Self-explanatory.

SECTION 7. The amendment provides for subsidies to different classes of services and allows an increase in the amount that may be paid out by regulation.

SECTION 8. The amendment provides for the inspection of premises at all reasonable times rather than once a year.

SECTION 9.—Subsection 1. The amendment is consistent with the change in section 2 of the Bill.

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building or part thereof or operating and maintaining or proposing to operate and maintain the home, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration or renovation, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the home at the rate of \$1,200 per bed or such greater amount as the regulations prescribe.

6. Section 7 of the said Act is amended by striking out “and”^{s. 7, amended} shall be computed in accordance with the regulations” in the sixth and seventh lines.

7. Section 8 of the said Act is repealed and the following^{s. 8, re-enacted} substituted therefor:

8. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost computed in accordance with the regulations of, ^{Maintenance and operating grants}

(a) residential accommodation provided in an approved home that is maintained and operated by the corporation; or

(b) residential services approved by the Director provided by or on behalf of the corporation in other than an approved home,

for retarded persons who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*. ^{R.S.O. 1970, c. 64}

8. Subsection 1 of section 9 of the said Act is repealed and the following^{s. 9(1), re-enacted} substituted therefor:

(1) Every approved home, its books of account and any other records shall be open at all reasonable times for inspection by a provincial supervisor. ^{Inspection}

(1a) Every premises that is not an approved home where residential services are provided for retarded persons placed therein by an approved corporation shall be open at all reasonable times for inspection by a provincial supervisor. ^{Idem}

9.—(1) Subsection 1 of section 10 of the said Act, as re-enacted^{s. 10(1), amended} by the Statutes of Ontario, 1971, chapter 50, section 45,

is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 10 (2),
amended

- (2) Subsection 2 of the said section 10 is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth and tenth lines and inserting in lieu thereof "Ministry of Community and Social Services".

s. 10 (5),
amended

- (3) Subsection 5 of the said section 10 is amended by striking out "recommend revocation of" in the second and third lines and inserting in lieu thereof "revoke".

s. 11 (a),
repealed

- 10.—**(1) Clause *a* of section 11 of the said Act is repealed.

s. 11,
amended

- (2) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 50, section 45, is further amended by adding thereto the following clauses:

(*ea*) prescribing or defining residential services and classes thereof provided in other than approved homes and the terms and conditions upon which such services or any class thereof shall be provided for the purposes of section 8;

.

(*fa*) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 8.

s. 11 (g),
re-enacted

- (3) Clause *g* of the said section 11 is repealed and the following substituted therefor:

(*g*) prescribing the manner of computing the costs to approved corporations, and prescribing classes of payments, for the purposes of sections 5, 6 and 8.

Commence-
ment

- 11.** This Act comes into force on the day it receives Royal Assent.

Short title

- 12.** This Act may be cited as *The Homes for Retarded Persons Amendment Act, 1973*.

Subsection 2. The amendments are consistent with the changes made in sections 1 and 2 of the Bill.

Subsection 3. Self-explanatory.

SECTION 10.—Subsection 1. Self-explanatory.

Subsection 2. The amendment is consistent with the changes in section 7 of the Bill.

Subsection 3. The amendment is consistent with the changes in sections 5 and 7 of the Bill.

Bill 107

An Act to amend
The Homes for Retarded
Persons Act

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

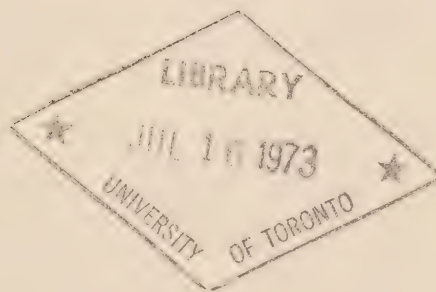
THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Homes for Retarded Persons Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 159

1973

An Act to amend The Homes for Retarded Persons Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of section 1 of *The Homes for Retarded Persons*^{s. 1 (d), amended} Act, being chapter 204 of the Revised Statutes of Ontario, 1970, is amended by inserting after “means” in the first line “all or any part of”.
- (2) Subclause *vi* of clause *d* of the said section 1 is repealed.^{s. 1 (d) (vi), repealed}
- (3) Clause *e* of the said section 1 is amended by striking^{s. 1 (e), amended} out “Social and Family Services” in the first and second lines and inserting in lieu thereof “Community and Social Services”.
- (4) Clause *f* of the said section 1 is amended by striking^{s. 1 (f), amended} out “Department of Social and Family Services” in the third and fourth lines and inserting in lieu thereof “Ministry of Community and Social Services”.
2. Section 2 of the said Act, as re-enacted by the Statutes of^{s. 2, amended} Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.
3. (1) Subsection 1 of section 3 of the said Act, as re-enacted^{s. 3 (1), amended} by the Statutes of Ontario, 1971, chapter 50, section 45, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, by striking out “a building” in the second line and inserting in lieu thereof “all or any part of a building or buildings” and by inserting after “building” in the fifth line “buildings or part thereof, as the case may be”.
- (2) Subsection 2 of the said section 3 is repealed and the^{s. 3 (2), re-enacted} following substituted therefor:

Effective
date of
approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the home for retarded persons takes effect.

s. 4 (1) (a),
repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4 (1) (d),
amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after "building" in the first line "or any part thereof".

s. 4 (1) (e),
amended

(3) Clause *e* of subsection 1 of the said section 4 is amended by inserting after "site" in the first line "or use".

ss. 5, 6,
re-enacted

5. Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Construction
grants

5. When the site and plans of a new building or the plans of an addition to an existing building to be maintained and operated or maintained and operated, as the case may be, as a home for retarded persons have been approved by the Minister under clause *c* of subsection 1 of section 4, the Minister may, out of moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new home for retarded persons, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new home for retarded persons, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Acquisition
grants

6. Where,

(a) the acquisition or structural alteration of all or any part of a building to be maintained and operated as a home for retarded persons has been approved by the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or

(b) the Minister has approved the renovation of all or any part of a building maintained and operated or to be maintained and operated as a home for retarded persons,

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building or part thereof or operating and maintaining or proposing to operate and maintain the home, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration or renovation, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the home at the rate of \$1,200 per bed or such greater amount as the regulations prescribe.

6. Section 7 of the said Act is amended by striking out “and shall be computed in accordance with the regulations” in the sixth and seventh lines. ^{s. 7, amended}

7. Section 8 of the said Act is repealed and the following substituted therefor: ^{s. 8, re-enacted}

8. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost computed in accordance with the regulations of, ^{Maintenance and operating grants}

(a) residential accommodation provided in an approved home that is maintained and operated by the corporation; or

(b) residential services approved by the Director provided by or on behalf of the corporation in other than an approved home,

for retarded persons who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*. ^{R.S.O. 1970, c. 64}

8. Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor: ^{s. 9 (1), re-enacted}

(1) Every approved home, its books of account and any other records shall be open at all reasonable times for inspection by a provincial supervisor. ^{Inspection}

(1a) Every premises that is not an approved home where residential services are provided for retarded persons placed therein by an approved corporation shall be open at all reasonable times for inspection by a provincial supervisor. ^{Idem}

9.—(1) Subsection 1 of section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 45, ^{s. 10 (1), amended}

is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 10 (2),
amended

- (2) Subsection 2 of the said section 10 is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth and tenth lines and inserting in lieu thereof "Ministry of Community and Social Services".

s. 10 (5),
amended

- (3) Subsection 5 of the said section 10 is amended by striking out "recommend revocation of" in the second and third lines and inserting in lieu thereof "revoke".

s. 11 (a),
repealed

- 10.**—(1) Clause *a* of section 11 of the said Act is repealed.

s. 11,
amended

- (2) The said section 11, as amended by the Statutes of Ontario, 1971, chapter 50, section 45, is further amended by adding thereto the following clauses:

(*ea*) prescribing or defining residential services and classes thereof provided in other than approved homes and the terms and conditions upon which such services or any class thereof shall be provided for the purposes of section 8;

(*fa*) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 8.

s. 11 (*g*),
re-enacted

- (3) Clause *g* of the said section 11 is repealed and the following substituted therefor:

(*g*) prescribing the manner of computing the costs to approved corporations, and prescribing classes of payments, for the purposes of sections 5, 6 and 8.

Commence-
ment

- 11.** This Act comes into force on the day it receives Royal Assent.

Short title

- 12.** This Act may be cited as *The Homes for Retarded Persons Amendment Act, 1973*.

An Act to amend
The Homes for Retarded
Persons Act

1st Reading

June 12th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services

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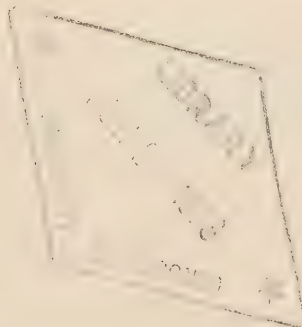
BILL 160

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Day Nurseries Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “approved corporation” is amended so that additional specified corporations and classes of corporations can receive grants and subsidies.

Subsection 2. The definition of “corporation” is repealed.

Subsection 3. The definition of day nursery is amended to exclude programs of recreation supervised by municipal recreation directors licensed under *The Ministry of Community and Social Services Act*.

Subsection 4. The definition of “Director” is amended so that more than one director can administer programs under the Act.

An Act to amend The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as re-enacted^{s. 1 (a), re-enacted} by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

- (a) “approved corporation” means a corporation,
- (i) that has been approved under section 2*b*, and
 - (ii) that is specified in the regulations or that is a member of a class prescribed in the regulations.

- (2) Clause *d* of the said section 1 is repealed.^{s. 1 (d), repealed}

- (3) Clause *e* of the said section 1 is amended by striking out^{s. 1 (e), amended} “or” at the end of subclause vi, by adding “or” at the end of subclause vii and by adding thereto the following subclause:

- (viii) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 6*b* of *The Ministry of Community^{R.S.O. 1970, c. 120} and Social Services Act*.

- (4) Clauses *f* and *h* of the said section 1 are repealed and the^{s. 1 (f, h), re-enacted} following substituted therefor:

- (f) “Director” means a director appointed for the purposes of this Act;

(h) "Minister" means the Minister of Community and Social Services.

s. 1 (m),
repealed

(5) Clause *m* of the said section 1 is repealed.

s. 2b,
re-enacted

2. Section 2*b* of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is repealed and the following substituted therefor:

Approval of
corporations

2*b*. Where the Minister is satisfied that any corporation with financial assistance under this Act is financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, he may approve such corporation for the payment of grants under this Act and the regulations.

s. 2*c* (1),
amended

3.—(1) Subsection 1 of section 2*c* of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 2*c* (2),
amended

(2) Subsection 2 of the said section 2*c* is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth line and inserting in lieu thereof "Ministry of Community and Social Services".

s. 2*c* (5),
amended

(3) Subsection 5 of the said section 2*c* is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".

s. 3 (1),
amended

4.—(1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3 and amended by 1971 (2nd Session), chapter 11, section 4, is further amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe".

s. 3 (3),
amended

(2) Subsection 3 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 4, is amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe" and by striking out "for retarded children" in the fifth line.

Subsection 5. The definition of "retarded children" is repealed.

SECTION 2. The amendment substitutes approval of corporations by the Minister for approval by the Lieutenant Governor in Council.

SECTION 3. The amendments are consistent with the change in section 2 of the Bill.

SECTION 4. Section 3 of the Act provides for operating subsidies at 80 per cent of maintenance costs. The amendment would allow a higher percentage to be prescribed by the regulations. The amendment to subsection 3 of section 3 removes the restriction whereby the grants referred to in the section are paid only to day nurseries for retarded children.

SECTION 5. The amendment is consistent with the change in section 4 of the Bill.

SECTION 6. The purpose of the amendment is to keep the section consistent with the definition of "Director" in section 1 of the Bill.

SECTION 7. The amendment limits the time for the giving of a decision or order by the Day Nursery Review Board to 90 days from the date of the request of the hearing.

SECTION 8. The amendment would allow the Director to issue directions where there is a threat to the safety or welfare of children in a day nursery.

5. Subsection 1 of section 3a of the said Act, as re-enacted by <sup>s. 3a (1),
re-enacted</sup> the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 5, is repealed and the following substituted therefor:

(1) Where the Minister has approved the erection of a new <sup>Capital
grants</sup> building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation or furnishing and equipping that is applicable to the day nursery.

6. Subsection 1 of section 4 of the said Act is repealed and the <sup>s. 4 (1),
re-enacted</sup> following substituted therefor:

(1) The Director shall perform the duties vested in him by <sup>Duties of
Director</sup> this or any other Act.

7. Section 12 of the said Act, as re-enacted by the Statutes of <sup>s. 12,
amended</sup> Ontario, 1971, chapter 50, section 25, is amended by adding thereto the following subsection:

(8) Notwithstanding section 21 of *The Statutory Powers* <sup>Final
decision
or order
of Board
1971, c. 47</sup> *Procedure Act, 1971*, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 9 or 10, as the case may be, requesting the hearing, has been received by the Board.

8. Section 14 of the said Act, as re-enacted by the Statutes of <sup>s. 14,
re-enacted</sup> Ontario, 1971, chapter 50, section 25, is repealed and the following substituted therefor:

14.—(1) Where, in the opinion of the Director, there is a <sup>Directions
where
threat to
children</sup> threat to the safety or welfare of the children cared for in a day nursery, the Director shall,

- (a) give such direction or directions in writing as he considers necessary to the operator or to any person on the premises of the day nursery who appears to be directly in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the safety or welfare of the children or to protect the children therefrom,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery until his direction or directions are complied with.

Notice to
parents, etc.

(2) Where the Director gives a direction under clause *b* of subsection 1, he may,

- (a) notify the parents or guardians of the children enrolled in the day nursery of the direction; and
- (b) cause to be affixed to the premises of the day nursery a notice in a prescribed form and no person except the Director or a provincial supervisor designated under section 15 shall remove the notice unless authorized by the Director or a provincial supervisor.

Suspension
of licence

(3) Notwithstanding section 10, where a direction is given by the Director under subsection 1, any licence for the day nursery shall thereby be suspended without a hearing until the Director is satisfied that the direction has been complied with and thereafter the provisions of section 10 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 10.

s. 16 (*cb*),
re-enacted

9. Clause *cb* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 7, is repealed and the following substituted therefor:

- (*cb*) prescribing classes of corporations with members that may be approved under section 2*b*, and specifying corporations not members of such classes that are approved under section 2*b*;
- (*cc*) prescribing classes of payments and higher percentages of the costs for the purpose of determining the amount of a payment or the amount of a class or classes of payments, for the purposes of section 3.

s. 17 (1),
re-enacted

10. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Penalties

(1) Every person who contravenes or fails to comply with subsection 1 of section 6 or a direction of the Director under section 14 is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$500 for each day on which such offence continues.

s. 17*a*,
enacted

11. The said Act is amended by adding thereto the following section:

SECTION 9. The amendment extends the regulation making authority under the Act to include the prescribing of classes of corporations and to specify particular corporations for which grants and subsidies can be paid under the Act.

The amendment also includes the prescribing of classes of payment and higher percentages for the purpose of section 3 of the Act.

SECTION 10. Self-explanatory.

SECTION 11. The amendment would give the Director the authority to seek an injunction from a Supreme Court judge to close a day nursery.

17a.—(1) The Director may apply to a judge of the Supreme Court by originating notice for an order enjoining any person from continuing any act or default for which such person was convicted under subsection 1 of section 17, and the judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. ^{Injunction proceedings}

(2) Any person may apply to a judge of the Supreme Court ^{Idem} for an order varying or discharging any order made under subsection 1.

12.—(1) This Act, except subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Subsections 1, 2 and 5 of section 1, sections 2 and 3, sub-^{Idem} section 2 of section 4 and sections 5 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

13. This Act may be cited as *The Day Nurseries Amendment Act*, ^{Short title} 1973.

An Act to amend
The Day Nurseries Act

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and Social Services

(Government Bill)

CA20N

XB

-B56

BILL 160

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Day Nurseries Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 1 of *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, as re-enacted<sup>s. 1 (a),
re-enacted</sup> by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

(a) “approved corporation” means a corporation,

(i) that has been approved under section 2*b*, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations.

- (2) Clause *d* of the said section 1 is repealed.<sup>s. 1 (d),
repealed</sup>

- (3) Clause *e* of the said section 1 is amended by striking out<sup>s. 1 (e),
amended</sup> “or” at the end of subclause vi, by adding “or” at the end of subclause vii and by adding thereto the following subclause:

(viii) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 6*b* of *The Ministry of Community<sup>R.S.O. 1970,
c. 120</sup> and Social Services Act*.

- (4) Clauses *f* and *h* of the said section 1 are repealed and the<sup>s. 1 (f, h),
re-enacted</sup> following substituted therefor:

(f) “Director” means a director appointed for the purposes of this Act;

.

(h) "Minister" means the Minister of Community and Social Services.

s. 1 (m),
repealed

(5) Clause *m* of the said section 1 is repealed.

s. 2b,
re-enacted

2. Section 2b of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is repealed and the following substituted therefor:

Approval of
corporations

2b. Where the Minister is satisfied that any corporation with financial assistance under this Act is financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, he may approve such corporation for the payment of grants under this Act and the regulations.

s. 2c (1),
amended

3.—(1) Subsection 1 of section 2c of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

s. 2c (2),
amended

(2) Subsection 2 of the said section 2c is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth line and inserting in lieu thereof "Ministry of Community and Social Services".

s. 2c (5),
amended

(3) Subsection 5 of the said section 2c is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".

s. 3 (1),
amended

4.—(1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3 and amended by 1971 (2nd Session), chapter 11, section 4, is further amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe".

s. 3 (3),
amended

(2) Subsection 3 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 4, is amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe" and by striking out "for retarded children" in the fifth line.

5. Subsection 1 of section 3a of the said Act, as re-enacted by ^{s. 3a (1),} the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 5, is repealed and the following substituted therefor:

(1) Where the Minister has approved the erection of a new ^{Capital grants} building, an addition to an existing building, the purchase or other acquisition of an existing building or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, he may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations, towards the cost of the new building, addition, acquisition, renovation or furnishing and equipping that is applicable to the day nursery.

6. Subsection 1 of section 4 of the said Act is repealed and the ^{s. 4 (1),} following substituted therefor: ^{re-enacted}

(1) The Director shall perform the duties vested in him by ^{Duties of} this or any other Act. ^{Director}

7. Section 12 of the said Act, as re-enacted by the Statutes of ^{s. 12,} Ontario, 1971, chapter 50, section 25, is amended by adding ^{amended} thereto the following subsection:

(8) Notwithstanding section 21 of *The Statutory Powers* ^{Final} *Procedure Act, 1971*, the Board shall reach a final decision ^{decision} or order and send notice thereof within ninety days from the ^{or order} date that the notice under section 9 or 10, as the case may ^{of Board} be, requesting the hearing, has been received by the Board. ^{1971, c. 47}

8. Section 14 of the said Act, as re-enacted by the Statutes of ^{s. 14,} Ontario, 1971, chapter 50, section 25, is repealed and the following ^{re-enacted} substituted therefor:

14.—(1) Where, in the opinion of the Director, there is a ^{Directions} threat to the safety or welfare of the children cared for in a day ^{where} nursery, the Director shall, ^{threat to} ^{children}

- (a) give such direction or directions in writing as he considers necessary to the operator or to any person on the premises of the day nursery who appears to be directly in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the safety or welfare of the children or to protect the children therefrom,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery until his direction or directions are complied with.

Notice to
parents, etc.

(2) Where the Director gives a direction under clause *b* of subsection 1, he may,

- (a) notify the parents or guardians of the children enrolled in the day nursery of the direction; and
- (b) cause to be affixed to the premises of the day nursery a notice in a prescribed form and no person except the Director or a provincial supervisor designated under section 15 shall remove the notice unless authorized by the Director or a provincial supervisor.

Suspension
of licence

(3) Notwithstanding section 10, where a direction is given by the Director under subsection 1, any licence for the day nursery shall thereby be suspended without a hearing until the Director is satisfied that the direction has been complied with and thereafter the provisions of section 10 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 10.

s. 16 (*cb*),
re-enacted

9. Clause *cb* of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 7, is repealed and the following substituted therefor:

- (*cb*) prescribing classes of corporations with members that may be approved under section 2*b*, and specifying corporations not members of such classes that are approved under section 2*b*;
- (*cc*) prescribing classes of payments and higher percentages of the costs for the purpose of determining the amount of a payment or the amount of a class or classes of payments, for the purposes of section 3.

s. 17 (*1b*),
re-enacted

10. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

Penalties

(1) Every person who contravenes or fails to comply with subsection 1 of section 6 or a direction of the Director under section 14 is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$500 for each day on which such offence continues.

s. 17*a*,
enacted

11. The said Act is amended by adding thereto the following section:

17a.—(1) The Director may apply to a judge of the Supreme Court by originating notice for an order enjoining any person from continuing any act or default for which such person was convicted under subsection 1 of section 17, and the judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. ^{Injunction proceedings}

(2) Any person may apply to a judge of the Supreme Court ^{Idem} for an order varying or discharging any order made under subsection 1.

12.—(1) This Act, except subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Subsections 1, 2 and 5 of section 1, sections 2 and 3, sub-^{Idem} section 2 of section 4 and sections 5 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

13. This Act may be cited as *The Day Nurseries Amendment Act*, ^{Short title} 1973.

An Act to amend
The Day Nurseries Act

1st Reading

June 12th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. R. BRUNELLE
Minister of Community and Social Services

CAZON
XB
-B 56

BILL 161

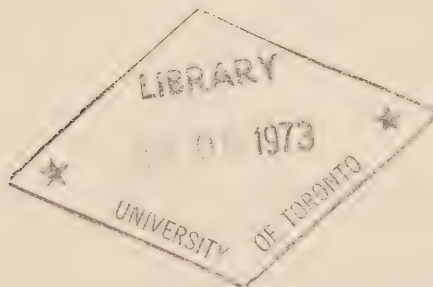
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Publications

The Safety Glazing Act, 1973

MR. SHULMAN



EXPLANATORY NOTE

The purpose of the Bill is to protect persons by reducing the high incidence of accidental injuries and deaths resulting from the use of ordinary annealed glass in hazardous locations.

BILL 161

1973

The Safety Glazing Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “safety glazing material” means glazing material which is so constructed, treated or combined with other materials so as to minimize cutting or piercing injuries on human contact and includes tempered glass, laminated glass, wire glass and rigid plastic. <sup>Interpre-
tation</sup>

2. No person shall knowingly sell, fabricate, assemble, glaze, install or cause to be installed glazing materials other than safety glazing materials in any location prescribed in the regulations as a hazardous location. ^{Prohibition}

3.—(1) Where safety glazing material is used in a hazardous location, the safety glazing material shall be permanently labelled by prescribed means so as to identify, <sup>Labelling
required</sup>

- (a) the person labelling the safety glazing material;
- (b) the nominal thickness of the safety glazing material;
- (c) the type of safety glazing material used; and
- (d) whether the safety glazing material meets the standards prescribed in the regulations.

(2) The labelling required under subsection 1 shall not be used on materials other than safety glazing materials. ^{Idem}

(3) Notwithstanding subsection 1, permanent labelling of wire glass is not required where the seller or installer of the wire glass furnishes the buyer with a certificate indicating that the wire glass meets the standards prescribed in the regulations. <sup>Labelling
of wire
glass</sup>

- Offence **4.** Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
- Regulations **5.**—(1) The Lieutenant Governor in Council may make regulations,
- (a) prescribing standards for safety glazing material;
 - (b) prescribing classes of locations as hazardous locations;
 - (c) prescribing methods of labelling safety glazing material.
- Adoption of codes by reference (2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted.
- Commence-ment **6.** This Act comes into force on the day it receives Royal Assent.
- Short title **7.** This Act may be cited as *The Safety Glazing Act, 1973*.

BILL 161

The Safety Glazing Act, 1973

1st Reading

June 12th, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

CA20N

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-B 56

BILL 162

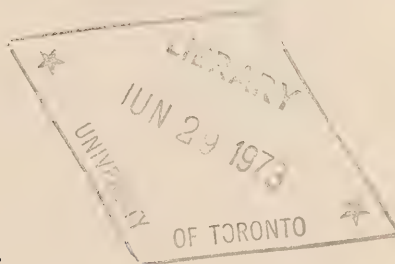
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

**An Act to establish
The Regional Municipality of Durham**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of eight area municipalities by the annexation and amalgamation of sixteen of the eighteen local municipalities in the County of Ontario together with five of the ten local municipalities in the County of Durham. It also provides for the dissolution of the County of Ontario and the United Counties of Durham and Northumberland and the incorporation of The Regional Municipality of Durham.

The Bill also provides for the annexation to adjoining counties of the local municipalities in the counties of Ontario and Durham that are not included in the new regional municipality.

The Bill is divided into ten Parts:

- | | |
|-----------|--|
| PART I | Area municipalities |
| PART II | Incorporation and establishment of the Council of the
Regional Area |
| PART III | Regional Road System |
| PART IV | Regional Water Works System |
| PART V | Regional Sewage Works |
| PART VI | Planning |
| PART VII | Police |
| PART VIII | Health and Welfare Services |
| PART IX | Finances |
| PART X | General |

An Act to establish The Regional Municipality of Durham

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof within the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality, or a local municipality or part of a local municipality that is constituted an area municipality under subsection 1 of section 2, or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 99;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means,
 - A. the area included within the County of Ontario, except the townships of Rama and Mara and except that portion of the Township of Pickering annexed to the Borough of Scarborough by subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*, as enacted by the Statutes of Ontario, 1973, chapter , section 5, and,

B. the area included within the County of Durham, except the Township of Manvers, the Township of Cavan, the Village of Millbrook, the Township of Hope and the Town of Port Hope, and

(ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;

- (p) "Regional Corporation" means The Regional Municipality of Durham;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The Corporation of the City of Oshawa and The Corporation of the Township of East Whitby are amalgamated as a city municipality bearing the name of The Corporation of the City of Oshawa;
- (b) The Corporation of the Town of Ajax and The Corporation of the Village of Pickering are amalgamated as a town municipality bearing the name of The Corporation of the Town of Ajax and the portions of the Township of Pickering, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Pickering, commencing at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV of the Township of Pickering to a point measured 126.33 feet easterly

therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the said Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the south-east angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE northerly, easterly and southerly following the boundaries between the Township of Pickering and the Village of Pickering to an angle in the Town of Ajax;

THENCE easterly and southerly following the various boundaries between the Township of Pickering and the Town of Ajax to the southeast angle of the said Town;

THENCE easterly along the south boundary of the Township of Pickering being along the International Boundary to the southeast angle thereof;

THENCE northerly along the east boundary of the Township of Pickering to the point of commencement;

SECONDLY, part of the Township of Pickering commencing at the southwest angle of Lot 14 in Concession I of the Township of Pickering;

THENCE easterly along the southerly limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE easterly and northerly following the boundaries between the Township of Pickering and the Town of Ajax to an angle in the Village of Pickering;

THENCE westerly following the boundaries between the Township of Pickering and the Village of Pickering to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to the point of commencement;

- (c) The Corporation of the Town of Bowmanville, The Corporation of the Village of Newcastle, The Corporation of the Township of Clarke and The Corporation of the Township of Darlington are amalgamated as a town municipality bearing the name of The Corporation of the Town of Newcastle;
- (d) The portion of the Township of Pickering, described as follows, is established as a town municipality bearing the name of The Corporation of the Town of Pickering;

COMMENCING at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway right-of-way a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE southerly along the west boundary of the Village of Pickering to the southwest angle of the said Village being at the south limit of the right-of-way of the Canadian National Railway Company;

THENCE easterly along the south limit of the said right-of-way to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to its southwest angle;

THENCE easterly along the south limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE southerly following the boundaries between the Township of Pickering and the Town of Ajax to the International Boundary between Canada and the United States of America;

THENCE westerly following the said International Boundary to the intersection of a line having the same course as the west boundary of the Township of Pickering drawn southerly from the mouth of the Rouge River at Lake Ontario;

THENCE northerly on the same course as the west boundary of the said Township to the mouth of the said Rouge River;

THENCE northwesterly following the middle of the main channels of the Rouge River and the Little Rouge Creek to the west boundary of the Township of Pickering;

THENCE northerly following the west boundary of the Township of Pickering to its northwest angle thereof;

THENCE easterly along the north boundary of the said Township of Pickering to the northeast angle thereof;

THENCE southerly following the east boundary of the Township of Pickering to the point of commencement;

- (e) The Corporation of the Town of Whitby is continued as a town municipality;
- (f) The Corporation of the Village of Beaverton, The Corporation of the Village of Cannington, The Corporation of the Township of Brock and The Corpora-

tion of the Township of Thorah are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brock;

- (g) The Corporation of the Village of Port Perry, The Corporation of the Township of Cartwright, The Corporation of the Township of Reach and The Corporation of the Township of Scugog are amalgamated as a township municipality bearing the name of The Corporation of the Township of Scugog;
- (h) The Corporation of the Town of Uxbridge, The Corporation of the Township of Scott and The Corporation of the Township of Uxbridge are amalgamated as a township municipality bearing the name of The Corporation of the Township of Uxbridge.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Orono;
2. The Police Village of Sunderland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause a of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names
of area
municipi-
palities

- (a) confirm the name of the area municipality as set out in subsection 1 ; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of council

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Oshawa—Ten members, all of whom shall be elected by wards as members of the council of the area municipality and of the Regional Council.
2. The Town of Ajax—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
3. The Town of Newcastle—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Pickering—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
5. The Town of Whitby—Except as may be provided under subsection 3, six members, two of whom shall

be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

6. The Township of Brock—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
7. The Township of Scugog—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
8. The Township of Uxbridge—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. ^{Election and term of office}

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities and the members thereof to represent the area municipalities on the Regional Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of the council of the area municipality and

of the Regional Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Committee
organization
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Durham".

Deemed
municipality
under
R.S.O. 1970,
c. 118.323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Durham, and for the

purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the County of Ontario shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation. R.S.O. 1970, c. 230

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Durham. Appointments for County of Ontario deemed appointments for Judicial District of Durham

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

8.—(1) The Regional Council shall consist of thirty-one members composed of a chairman and, Composition of Regional Council

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) ten members of council of the area municipality of the City of Oshawa being the remainder of the council of the City;
- (c) one member of the council of the area municipality of the Town of Ajax who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) three members of the council of the area municipality of the Town of Newcastle who have been elected as members of the Regional Council and of the council of such area municipality;

- (e) three members of the council of the area municipality of the Town of Pickering who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality;
- (g) one member of the council of the area municipality of the Township of Brock who has been elected as a member of the Regional Council and of the council of such area municipality;
- (h) one member of the council of the area municipality of the Township of Scugog who has been elected as a member of the Regional Council and of the council of such area municipality;
- (i) one member of the council of the area municipality of the Township of Uxbridge who has been elected as a member of the Regional Council and of the council of such area municipality.

Term
of office

(2) The members so elected shall hold office for the years 1973, 1974, 1975 and 1976 and thereafter for two-year terms of office.

Appointment
of chairman
by Lieu-
tenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

Election
of chairman

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and, at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

10.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of allegiance, declaration of qualification (6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration of office (7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1970,
c. 284

When Regional Council deemed organized (8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of meeting

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum, voting

12.—(1) Sixteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman, vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies, chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. ^{Other members}

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. ^{Resignation}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. ^{Where head of council incapacitated}

14.—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine. ^{Remuneration}

(2) For the year 1977 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. ^{Idem}

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. ^{Committees}

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. ^{Remuneration of committee chairman}

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. ^{Procedural by-laws}

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. ^{Head of Council}

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O.
1970, c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of a clerk for the purposes of the first meeting ^{Acting clerk, first meeting} of the Regional Council in the year 1973 and thereafter until the Regional Council appoints a clerk under this section.

21.—(1) Any person may, at all reasonable hours, inspect ^{Records open to inspection} any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he ^{Index of by-laws affecting land} shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified ^{Copies certified by clerk to be receivable in evidence} under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

22.—(1) The Regional Council shall appoint a treasurer ^{Appointment of treasurer} to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and dis-
bursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty
cash fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other accounts; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. ^{Monthly statement}

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. ^{Notice to sureties}

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. ^{Appointment of auditors}

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council ^{Disqualification of auditors}

of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof or of the County of Ontario or a local board thereof, or of the United Counties of Northumberland and Durham or a local board thereof, until the Regional Corporation or local

board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the County of Ontario or local board thereof, or the United Counties of Northumberland and Durham or local board thereof, or the municipality or local board thereof.

(5) The Regional Council shall offer to employ every^{Offer of employment} person who, on the 1st day of April, 1973, is employed by any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973.

(6) Any person who accepts employment offered under^{Entitlement to salary} subsection 5 or under subsection 2 of section 28 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

(7) The Regional Corporation shall be deemed to be a^{Application of R.S.O. 1970, c. 324} municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

(8) The employees of the local municipalities, and the local^{Offer of employment} boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled

to receive a wage or salary, up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those which he would have been entitled if he had remained in the employment of the local municipality or local board thereof by which he was formerly employed.

Termination
of employ-
ment

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Hardship
on transfer

28.—(1) Where under the provisions of section 27 or subsection 2 any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

County
employees

(2) With respect to the employees of the County of Ontario or local board thereof and the employees of the United Counties of Northumberland and Durham or local board thereof,

- (a) the Minister shall by order appoint a committee of arbitrators who shall determine which county, regional, metropolitan or other municipality or local board thereof shall offer to employ such employees;
- (b) the decision of such committee of arbitrators shall be final and binding upon the affected municipalities or local boards thereof; and
- (c) the provisions of subsections 1, 2, 3, 4, 7 and 11 of section 27 apply *mutatis mutandis* to employees who accept an offer of employment under this subsection.

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

30.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Ontario and the United Counties of Northumberland and Durham, within the Regional Area, shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 40, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or

by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

31. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of informa-
tion to
Minister

32. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and High-*

way *Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

34. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

35. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Ontario or The Corporation of the United Counties of Northumberland and Durham or the corporation of the area municipality or the corporation of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Ontario or the United Counties of Northumberland and Durham or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

36.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

37.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by regional road

38. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

39. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

40.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

Establishment of bus lanes

41.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

42.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contributions toward costs of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 feet of regional roads
R.S.O. 1970, c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements for pedestrian walks

43. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

44.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

45. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities R.S.O. 1970, c. 284

46. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

47.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

48.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this Notice of application for approval for closing road

section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such cost; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing of
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from the county court, and the decision of the Divisional Court is final.

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

49. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

50.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 49. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 48 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 49, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

51.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

52.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

53. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

54. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

REGIONAL WATERWORKS SYSTEM

55.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

Supply and distribution of water by Regional Corporation

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Area municipalities, no power to supply and distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in Regional Corporation

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of principal and interest to area municipalities

R.S.O. 1970, c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to be charged by area municipality

56. With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the supply and distribution of water, the Regional Corpora-

Agreements

tion shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART V

REGIONAL SEWAGE WORKS

Collection
and disposal
of sewage by
Regional
Corporation

57.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 1 of section 58, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-
palities, no
power to
collect and
dispose of
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 1 of section 58.

Vesting of
property in
Regional
Corporation

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 1 of section 58 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payment of
principal and
interest to
area municipi-
palities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 1 of section 58 a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Imposition of
sewage rate

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 1 of section 58, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970,
c. 284

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sew-

age and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Land
drainage

58.—(1) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of systems

(2) Where the Regional Corporation undertakes a program provided for in subsection 1, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation and the provisions of subsections 4 and 5 of section 57 shall apply thereto *mutatis mutandis*.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

59.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a planning area under *The Planning Act* to be known as the Durham Planning Area and no area municipality shall be a planning area under *The Planning Act*.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Durham Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Official
plans
preserved

(3) All official plans in effect in any part of the Regional Area, on and after the first day of January, 1974, remain in effect as official plans of the Durham Planning Area and when an official plan adopted by the Regional Council has been approved by the Minister all other official plans shall be amended forthwith to conform therewith.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith.

60.—(1) The Regional Council may designate any area ^{District planning areas} municipality within the Durham Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary.

(2) Upon designation of an area municipality as a district ^{Preparation of district plan} planning area under subsection 1, the Regional Council shall authorize the council of the affected area municipality to prepare a district plan.

61.—(1) Every council of an area municipality authorized ^{Planning duties of area councils} under subsection 2 of section 60 shall investigate and survey the physical, social and economic conditions in relation to the development of the affected area municipality and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality in determining the solution of problems or matters affecting the development of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council for approval.

(2) The Regional Council may, with respect to plans ^{Powers of Regional Council} submitted to it under clause *d* of subsection 1,

- (a) approve the plan, after amendment if the Regional Council deems it necessary, and forward it to the Minister for approval as an official plan or as an amendment to an official plan, as the case may be; or
- (b) reject the plan,

and the Regional Council may confer with officials of municipalities and any others who may be concerned.

Planning
duties of
Regional
Council

62.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Durham Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Durham Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Durham Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Durham Planning Area in determining the solution of problems or matters affecting the development of the Durham Planning Area; and
- (c) consult with any local board having jurisdiction within the Durham Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed muni-
cipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Durham Planning Area or any part thereof.

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Durham Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act. Committees of adjustment

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*. Land division committee

63. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation. Application of R.S.O. 1970, c. 349

PART VII

POLICE

64. In this Part, "Durham Police Board" means the Durham Regional Board of Commissioners of Police. Interpretation

65.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Durham Regional Board of Commissioners of Police, which shall consist of, Durham Regional Board established R.S.O. 1970, c. 351

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of the county court of the Judicial District of Durham designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Durham Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. Quorum

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed a
city under
R.S.O. 1970,
c. 351

66.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Durham Police Board and the members of the Durham Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Durham Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area
police force

67.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Durham Regional Police Force, and the provisions of subsection 4 of section 27 and section 28 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

Durham
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Durham Regional Police Force on the 1st day of January, 1974, is subject to the government of the Durham Police Board to the same extent as if appointed by the Durham Police Board and the

Durham Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Durham Regional Police Force.

(3) Every person who becomes a member of the Durham Regional Police Force under subsection 1 shall, ^{Terms of employment}

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Durham Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974; and
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Durham Police Board as he had standing to his credit in the plan of the local municipality.

(4) Civilian employees and assistants of the Durham Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains the age of sixty-five years. ^{Civilians, retirement}

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Durham Police Board in the manner and for the purposes provided in *The Police Act* and the Durham Police Board shall be the sole negotiating body to bargain with such committee. ^{Joint bargaining committee} ^{R.S.O. 1970, c. 351}

(6) The first meeting of the bargaining committee and the Durham Police Board shall be held not later than the 30th day of November, 1973. ^{Time of meeting}

Application
of R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Durham Police Board.

Assumption
of buildings

68.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Durham Police Board any such land or building that the Durham Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by
area.muni-
cipalities
limited

(2) No local municipality, between the 1st day of July, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board, sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) Where the Regional Corporation fails to make any ^{Default} payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(7) Where a building vested in a local municipality ^{Accommodation} or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Durham Police Board, on or after the 1st day of January, 1974, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Durham Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

69.—(1) At the request of the Durham Police Board, ^{Office} each area municipality, for the use of the Durham Police ^{supplies, etc.,} transferred Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

70. In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

71. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Durham Police Board.

PART VIII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

72.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Ontario and whose place of residence was on the 31st day of December, 1973, within the Regional Area, or the United Counties of Northumberland and Durham and whose place of residence was on the 31st day of December, 1973, within the Regional Area. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

73.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 89. Hospital costs form part of regional levy

74.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Durham Regional Board of Health. Regional Area to be health unit
R.S.O. 1970, c. 377

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Dissolution
of health
units, etc.

75. The Minister of Health shall by order provide for the dissolution or reorganization of the health units serving the County of Ontario and the United Counties of Northumberland and Durham on the 31st day of December, 1973, and for the vesting of the assets and liabilities thereof.

Constitution
of health
board

76.—(1) On and after the 1st day of January, 1974, the Durham Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Durham Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Durham Regional Board of Health establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

77.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

78.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged, R.S.O. 1970, c. 206

(2) The homes for the aged known as Lakeview Manor, in the Village of Beaverton, Fairview Lodge, in the Town of Whitby, and Hillsdale Manor, in the City of Oshawa, and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, subject to subsection 3, without compensation. Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to the City of Oshawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of such city in respect of the home known as Hillsdale Manor referred to in subsection 2. Existing debt

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

79.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality. Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

80. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 64

81. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred, 1965, c. 14

Liability
under order
made under
R.S.O. 1970,
c. J-3

82. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

83. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

84. In the event there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

85. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

86.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 89 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*. R.S.O. 1970,
c. 405

87. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment
of moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

88.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly
estimates

(2) In preparing the estimates, the Regional Council shall, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance
to be made
in estimates

(3) The amount by which any operating deficit existing for the County of Ontario on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities, or municipality or municipalities within the County of Ontario, as it existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974. Operating
deficit,
County of
Ontario

(4) The amount by which any operating deficit existing for the United Counties of Northumberland and Durham on the 31st day of December, 1973, exceeds the total of such counties' reserves on such date shall become a charge on the municipalities that levied rates for such counties in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the County Operating
deficit,
United
Counties of
Northumber-
land and
Durham

of Northumberland by the appropriate area municipality or municipalities, or municipality or municipalities within the United Counties of Northumberland and Durham, as they existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Ontario

(5) Where an operating surplus exists for the County of Ontario on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Township of Mara and the Township of Rama, to the County of Simcoe;
- (b) in respect of that part of the Township of Pickering which becomes part of the Borough of Scarborough, as determined in the proportion that the assessment of such part bears to the total assessment of the Township of Pickering, both according to the last revised assessment roll, to the Municipality of Metropolitan Toronto,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

Operating
surplus, etc.,
United
Counties of
Northumber-
land and
Durham

(6) Where an operating surplus exists for the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such counties' reserves on such date, such amount shall vest in the County of Northumberland, and the County of Northumberland shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Town of Bowmanville, the Village of Newcastle, the Township of Cartwright, the Township of Clarke and the Township of Darlington, to the Regional Corporation;
- (b) in respect of the Township of Manvers to the County of Victoria;
- (c) in respect of the Village of Millbrook, the Township of Cavan and the Township of South Monaghan to the County of Peterborough,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

(7) Where an operating surplus exists for the County of Ontario or the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of the respective county's reserves on such date, a sum shall be determined equivalent to the aggregate of, Surplus contribution, City of Oshawa

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date; and
- (c) any amount payable to the Regional Corporation under subsection 6,

and such sum shall be paid by the City of Oshawa to the Regional Corporation not later than the 30th day of June, 1974.

(8) Notwithstanding subsection 2 in the year 1974, the Regional Council shall transfer to a reserve for working funds Reserve for working funds an amount equal to the aggregate of,

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsections 6 and 7.

(9) For the purposes of subsections 7 and 8, the audited surplus of the County of Ontario at the 31st day of December, 1973, shall be reduced by any payment made by the Regional Corporation under subsection 5. Operating surplus, County of Ontario

(10) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, cc. 32, 284

89.—(1) The Regional Council in each year shall levy Levy on area municipalities against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional

Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 149 to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid R.S.O. 1970, c. 284 1971, c. 78 1973, c. ...

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalization
of assessment
of merged
areas

90.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and

subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970, c. 405

91.—(1) Notwithstanding section 89, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 89, and subsections 14 and 15 of section 89 apply to such levy. Levy by
Regional
Council
before
estimates
adopted

(2) Notwithstanding section 89, in 1975 and in subsequent years the Regional Council may, before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 89 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 89. Levy under
s. 89
to be
reduced

(4) Notwithstanding section 90, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area
municipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 89. Levy under
s. 89
to be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application
of R.S.O. 1970,
c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment based on the assessment of the local municipality used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 89, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 89.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

92.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment

for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for secondary school purposes on residential assessment
R.S.O. 1970,
c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under
R.S.O. 1970,
c. 425 to
apply

ADJUSTMENTS

93. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

94.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited

Idem

surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment
under
s. 88

(4) For the purpose of this section and section 95, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under subsections 3, 4 and 7 of section 88.

Interpre-
tation

R.S.O. 1970,
c. 284

95.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

96.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of Pickering, the County of Ontario and the United Counties of Northumberland and Durham.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the Regional Corporation and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional

Corporation or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the Regional Corporation and such municipalities or area municipalities.

R.S.O. 1970,
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records

(8) The provisions of subsection 7 apply *mutatis mutandis* to the documents and records of the County of Ontario and the United Counties of Northumberland and Durham as between such counties and the Regional Corporation and any other counties directly concerned.

Idem

(9) Notwithstanding the provisions of sections 88 and 95 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of
adjustment

RESERVE FUNDS

97.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend

Idem

funds are reserve funds of the area municipality of which the local municipality forms the whole or a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds, estab-
lishment

98.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

99.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

100.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 103, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds, debentures, etc. trustee investments
R.S.O. 1970,
c. 470

101. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 100 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area Power to incur debt or issue debentures

Idem

102.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323Borrowing
pending
issue and
sale of
debentures

103.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see the application of the proceeds and, if the

debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 115 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

104.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of debt levied against it under subsection 4. Levy by area municipalities

Instalment
debentures
and debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies a
debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of

in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debenture

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws
R.S.O. 1970, c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assess-

ments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount ^{Principal Levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

- (b) in debentures of the Regional Corporation;

- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of
Securities
with
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Release of
Securities
by Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited to
sinking fund
account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund require-
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account more
than suffi-
cient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of the area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmaturing debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. Deficit and surplus

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. Term debentures

(45) In respect of the term debentures, the by-law shall provide for raising, Amounts to be raised annually

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. Retirement fund

When rate
of interest
may be
varied

105.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 103 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money to
be raised

106.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect

any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

107.—(1) Subject to section 106, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application of payments

108. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

109.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1970.
cc. 323, 136, 255

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 102, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 104 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

110.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures

or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced ^{Effect of mechanical reproduction} has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. ^{Sufficiency of signatures}

111. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it ^{Debentures on which payment has been made for one year to be valid} are valid and binding upon the Regional Corporation.

112.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect: ^{Mode of transfer may be prescribed}

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture

Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such a book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as the owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement
of lost
debentures

113. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and idemnity as the by-law may provide.

Exchange of
debentures

114.—(1) On request of the holder of any debentures issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Idem

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same
force and
effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

115.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds of
debentures

(2) None of the moneys received by the Regional Corporation from the sale of hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Deficiency

116. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied

Use of
proceeds of
sale of
asset
acquired
from
proceeds of
sale of
debentures

as an excess in accordance with subsection 3 of section 115 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

117. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

118.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

- (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

119. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

120.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability of members

(2) If the Regional Council, upon the request in writing of a ratepayer of an area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. Action by ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

121. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

122. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal of assets

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

123.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

Delegation
of approval

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 36 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which prior to its enactment, requires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Vesting of transportation system assets in Regional Corporation

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

124.—(1) The Regional Council may pass by-laws,

Emergency measures, civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970, c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of Regional Council re emergency measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments

and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W-2;
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 145

Expenditures
for diffusing
information

125.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes.

Industrial
sites,
industries
department
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers.

Grants to
persons
engaged
in work
advan-
tageous to
Regional
Area

126. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for

the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

127. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Durham Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees
R.S.O. 1970, c. 505

128.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance
1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

Commission
of inquiry

129.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

1971, c. 49

When com-
mission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

130. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

131. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O. 1979
c. 23

132.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipal-
ities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

133.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs, The Regional Municipality of Durham

(adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties
dissolved

134.—(1) The County of Durham and the Corporation of the County of Ontario and the Corporation of the United Counties of Northumberland and Durham are dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Ontario and the United Counties of Northumberland and Durham in any agreements to which such county, or united counties, was, on the 31st day of December, 1973, a party, in so far as they pertain to the Regional Area.

Idem

(2) With respect to agreements to which the County of Ontario, or the United Counties of Northumberland and Durham was a party, on the 31st day of December, 1973, the committee of arbitrators appointed under section 96 shall, where necessary, determine the successor to such county or successors to such united counties for the purpose of such agreements in so far as they do not pertain to the Regional Area.

Annexations

(3) On the 1st day of January, 1974,

- (a) the townships of Rama and Mara are annexed to the County of Simcoe;
- (b) the Township of Manvers is annexed to the County of Victoria;

(c) the townships of Cavan and South Monaghan and the Village of Millbrook are annexed to the County of Peterborough; and

(d) the Township of Hope and the Village of Port Hope are annexed to the County of Northumberland.

(4) For the purposes of every Act, the annexations provided for by subsection 3 shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of January, 1974, pursuant to applications made under section 14 of *The Municipal Act*, and, subject to the provisions of this Act, the Municipal Board, upon the application of any county or local municipality or local board thereof affected by the annexations or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Annexations
deemed by
orders of
O.M.B.

R.S.O. 1970,
cc. 323, 284

135.—(1) All the assets and liabilities excepting reserves, surpluses or deficits of the County of Ontario and the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Ontario and of the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, shall be transferred to the clerk of the Regional Corporation.

Assets and
liabilities,
etc.

(2) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Ontario and the United Counties of Northumberland and Durham.

Powers of
Municipal
Board

(3) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed or vested in the Regional Corporation, the Municipal Board upon application may determine the matter and its decision is final.

Idem

Conditional
powers

136. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

137.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Ontario or a local board thereof or to the United Counties of Northumberland and Durham or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

138.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

139.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

Application of R.S.O. 1970, c. 284, s. 354

140. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

Agreement successor rights

141. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establish-

Regional Fire Co-ordinator

ment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued

R.S.O. 1970,
c. 202

142.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

143.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Boards of
Trustees
of Police
Villages of
Orono and
Sunderland
to be Hydro-
Electric
Commissions

(4) The Board of Trustees of the Police Village of Orono and the Board of Trustees of the Police Village of Sunderland,

as they exist on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be commissions established under Part III of *The Public Utilities Act* for the areas of their respective said police villages and be respectively known as the Hydro-Electric Commission of Orono and the Hydro-Electric Commission of Sunderland.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric systems of the Police Village of Orono and the Police Village of Sunderland shall be assumed on the 1st day of January, 1974, in respect of the Police Village of Orono, by the Hydro-Electric Commission of Orono, which Commission shall be deemed to be a local board of the area municipality of the Town of Newcastle, and in respect of the Police Village of Sunderland, by the Hydro-Electric Commission of Sunderland, which Commission shall be deemed to be a local board of the area municipality of the Township of Brock.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of council

144.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Durham, except the area municipality of the Town of Newcastle, is a school division and The Ontario County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Durham, except the area municipality of the Town of Newcastle.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

(2) Subject to subsection 3, on the 1st day of January, 1974, all real and personal property in the Regional Area except the area municipality of the Town of Newcastle that, on the 31st day of December, 1973, was vested in The Northumberland and Durham County Board of Education is vested in the divisional board for the portion of the Regional Area referred to in subsection 1, and all debts, contracts, agreements and liabilities for which The Northumberland and Durham County Board of Education

Vesting of
property

was liable in respect of such real and personal property become obligations of the divisional board for such portion of the Regional Area.

Adjustment
of assets
and
liabilities

(3) The divisional board for the portion of the Regional Area referred to in subsection 1 and The Northumberland County Board of Education referred to in section 145 shall adjust in an equitable manner as may be agreed upon, the assets and the liabilities as at the 31st day of December, 1973, in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December and the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every employee who, immediately before the 1st day of January, 1974, was employed by The Northumberland and Durham County Board of Education to provide services in a school that on and after the 1st day of January, 1974, is included in the Regional Area except the area municipality of the Town of Newcastle shall be deemed to have been made with the divisional board for the portion of the Regional Area referred to in subsection 1.

Northumber-
land and
Durham
County
Board of
Education
continued
R.S.O. 1970,
c. 425

145.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Northumberland and Durham County Board of Education is continued and shall, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, be known as The Northumberland County Board of Education and shall have jurisdiction for school purposes in the County of Northumberland and in the area municipality of the Town of Newcastle.

Board
members
continue
in office

(2) The members of The Northumberland and Durham County Board of Education who hold office on the 31st day of December, 1973, and who represent public school supporters or separate school supporters who, on and after the 1st day of January, 1974, are resident in the area municipality of the Town of Newcastle or in any of the municipalities that on and after the 1st day of January, 1974, are within the County of Northumberland continue to hold office as members of The Northumberland County Board of Education during the year 1974.

Ontario
County
Roman
Catholic
Separate
School
Board
continued
R.S.O. 1970,
c. 430

146.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Ontario County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools*

Act, as a county combined separate school board for the Regional Area except the area municipality of the Town of Newcastle.

(2) Notwithstanding the provisions of any other Act, ^{Idem} on and after the 1st day of January, 1974, The Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board is continued and shall be known, subject to subsection 2 of section 85 of *The Separate Schools Act*, as The Northumberland-Peterborough-Victoria County Roman Catholic Separate School Board and shall have jurisdiction in the Counties of Northumberland, Peterborough, and Victoria and in the area municipality of the Town of Newcastle. ^{R.S.O. 1970, c. 430}

147. Notwithstanding *The Secondary Schools and Boards of Education Act*, *The Separate Schools Act*, and *The Municipal Elections Act*, 1972, the Minister may, by order, provide for ^{Elections for educational purposes} all matters necessary to hold elections in the year 1973, ^{R.S.O. 1970, c. 425, 1972, c. 95} including providing for the terms of office, for members of the divisional board of education and for trustees of the county combined separate school board for the Regional Municipality of Durham except the area municipality of the Town of Newcastle.

148.—(1) On the 31st day of December, 1973, all com- ^{Boards, etc., deemed dissolved} munity centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 96 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

(2) The council of an area municipality shall be deemed ^{Council deemed recreation committee, etc.} to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*. ^{R.S.O. 1970, cc. 120, 73}

149.—(1) The Regional Council may pass by-laws for ^{Acquiring land for parks, etc.} acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. ^{R.S.O. 1970, c. 384}

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1970,
c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application
of R.S.O. 1970,
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation a
municipality
under R.S.O.
1970, c. 337

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*,

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1970,
c. 202

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*;

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Regional
Council
deemed
community
centre
board, etc.
R.S.O. 1970,
cc. 120, 73

(7) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
c. 284, s. 244
not to apply

150. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973.

151. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board.

Public
library
boards

R.S.O. 1970,
c. 381

152. The Council of the City of Oshawa may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

Power of
cities in
Regional
Area to pass
by-laws

R.S.O. 1970,
c. 284

153.—(1) The Oshawa Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974:

Roads
commission
dissolved

(2) All the assets and liabilities of the roads commission referred to in subsection 1 become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the clerk.

Assets and
liabilities

154.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation.

Organization
expenses

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Idem

155.—(1) This Act, except Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII, sections 86 to 95 and 97 to 121 of Part IX, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII and sections 86 to 95 and 97 to 121 of Part IX come into force on the 1st day of January, 1974.

Idem

156. This Act may be cited as *The Regional Municipality of Durham Act, 1973*.

Short title

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
 having been elected (*or appointed*) as chairman of the council of The Regional
 Municipality of Durham declare that:

1. I am a British subject and am not a citizen or a subject of any
 foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
 or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be
 true and knowing that it is of the same force and effect as if made under
 oath.

Declared before me, etc.

*An Act to establish
The Regional Municipality of Durham*

1st Reading

June 13th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N
XB
-B 56

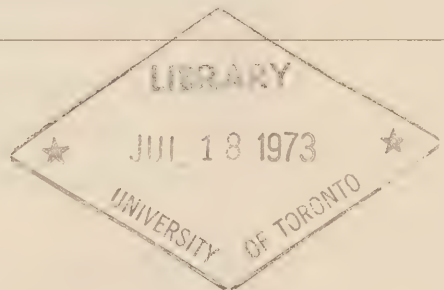
BILL 162

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Durham**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the formation of eight area municipalities by the annexation and amalgamation of sixteen of the eighteen local municipalities in the County of Ontario together with five of the ten local municipalities in the County of Durham. It also provides for the dissolution of the County of Ontario and the United Counties of Durham and Northumberland and the incorporation of The Regional Municipality of Durham.

The Bill also provides for the annexation to adjoining counties of the local municipalities in the counties of Ontario and Durham that are not included in the new regional municipality.

The Bill is divided into ten Parts:

- PART I Area municipalities
- PART II Incorporation and establishment of the Council of the
 Regional Area
- PART III Regional Road System
- PART IV Regional Water Works System
- PART V Regional Sewage Works
- PART VI Planning
- PART VII Police
- PART VIII Health and Welfare Services
- PART IX Finances
- PART X General

An Act to establish The Regional Municipality of Durham

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof within the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality, or a local municipality or part of a local municipality that is constituted an area municipality under subsection 1 of section 2, or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 99;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means,

A. the area included within the County of Ontario, except the townships of Rama and Mara and except that portion of the Township of Pickering annexed to the Borough of Scarborough by subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*, as enacted by the Statutes of Ontario, 1973, chapter 48, section 5, and,

B. the area included within the County of Durham, except the Township of Manvers, the Township of Cavan, the Village of Millbrook, the Township of Hope and the Town of Port Hope, and

(ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;

(p) "Regional Corporation" means, subject to subsection 6 of section 6, The Regional Municipality of Durham;

(q) "Regional Council" means the council of the Regional Corporation;

(r) "regional road" means a road forming part of the regional road system established under Part III;

(s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of
area municipalities

(a) The Corporation of the City of Oshawa and The Corporation of the Township of East Whitby are amalgamated as a city municipality bearing the name of The Corporation of the City of Oshawa;

(b) The Corporation of the Town of Ajax and The Corporation of the Village of Pickering are amalgamated as a town municipality bearing the name of The Corporation of the Town of Ajax and the portions of the Township of Pickering, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Pickering, commencing at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV of the Township of Pickering to a point measured 126.33 feet easterly

therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the said Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the south-east angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE northerly, easterly and southerly following the boundaries between the Township of Pickering and the Village of Pickering to an angle in the Town of Ajax;

THENCE easterly and southerly following the various boundaries between the Township of Pickering and the Town of Ajax to the southeast angle of the said Town;

THENCE easterly along the south boundary of the Township of Pickering being along the International Boundary to the southeast angle thereof;

THENCE northerly along the east boundary of the Township of Pickering to the point of commencement;

SECONDLY, part of the Township of Pickering commencing at the southwest angle of Lot 14 in Concession I of the Township of Pickering;

THENCE easterly along the southerly limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE easterly and northerly following the boundaries between the Township of Pickering and the Town of Ajax to an angle in the Village of Pickering;

THENCE westerly following the boundaries between the Township of Pickering and the Village of Pickering to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to the point of commencement;

- (c) The Corporation of the Town of Bowmanville, The Corporation of the Village of Newcastle, The Corporation of the Township of Clarke and The Corporation of the Township of Darlington are amalgamated as a town municipality bearing the name of The Corporation of the Town of Newcastle;
- (d) The portion of the Township of Pickering, described as follows, is established as a town municipality bearing the name of The Corporation of the Town of Pickering;

COMMENCING at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway right-of-way a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE southerly along the west boundary of the Village of Pickering to the southwest angle of the said Village being at the south limit of the right-of-way of the Canadian National Railway Company;

THENCE easterly along the south limit of the said right-of-way to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to its southwest angle;

THENCE easterly along the south limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE southerly following the boundaries between the Township of Pickering and the Town of Ajax to the International Boundary between Canada and the United States of America;

THENCE westerly following the said International Boundary to the intersection of a line having the same course as the west boundary of the Township of Pickering drawn southerly from the mouth of the Rouge River at Lake Ontario;

THENCE northerly on the same course as the west boundary of the said Township to the mouth of the said Rouge River;

THENCE northwesterly following the middle of the main channels of the Rouge River and the Little Rouge Creek to the west boundary of the Township of Pickering;

THENCE northerly following the west boundary of the Township of Pickering to its northwest angle thereof;

THENCE easterly along the north boundary of the said Township of Pickering to the northeast angle thereof;

THENCE southerly following the east boundary of the Township of Pickering to the point of commencement;

- (e) The Corporation of the Town of Whitby is continued as a town municipality;
- (f) The Corporation of the Village of Beaverton, The Corporation of the Village of Cannington, The Corporation of the Township of Brock and The Corpora-

tion of the Township of Thorah are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brock;

- (g) The Corporation of the Village of Port Perry, The Corporation of the Township of Cartwright, The Corporation of the Township of Reach and The Corporation of the Township of Scugog are amalgamated as a township municipality bearing the name of The Corporation of the Township of Scugog;
- (h) The Corporation of the Town of Uxbridge, The Corporation of the Township of Scott and The Corporation of the Township of Uxbridge are amalgamated as a township municipality bearing the name of The Corporation of the Township of Uxbridge.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Orono.
2. The Police Village of Sunderland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names
of area
municipi-
palities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of council

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Oshawa—Except as may be provided under subsection 3, fourteen members, ten of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The Town of Ajax—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
3. The Town of Newcastle—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Pickering—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

5. The Town of Whitby—Except as may be provided under subsection 3, six members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Brock—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
7. The Township of Scugog—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
8. The Township of Uxbridge—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. Election
and term
of office

(3) For the purposes of the elections of the first councils of the area municipalities and the members thereof to represent the area municipalities on the Regional Council, Idem

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of the council of the area municipality and

of the Regional Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Committee
organization
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Durham".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Durham, and for the

purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the County of Ontario shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

(4) On or before the 1st day of January, 1975, the Lieutenant Governor in Council shall, by regulations made under *The Registry Act* and *The Land Titles Act*, adjust the boundaries of any registry and land titles division that includes lands affected by this Act so as to make the boundaries of such division coincide with the boundaries of the Regional Area.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Durham.

(6) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council, to determine from among "Durham", "McLaughlin", "Pickering" and "Oshawa", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name the Regional Corporation shall bear as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Durham shall be deemed to be references to such regional municipality as designated in the declaration.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of thirty-one members composed of a chairman and,

(a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(b) ten members of the council of the area municipality of the City of Oshawa who have been elected as members of the Regional Council and of the council of such area municipality;

(c) one member of the council of the area municipality of the Town of Ajax who has been elected as a member of the Regional Council and of the council of such area municipality;

(d) three members of the council of the area municipality of the Town of Newcastle who have been elected as members of the Regional Council and of the council of such area municipality;

(e) three members of the council of the area municipality of the Town of Pickering who have been elected as members of the Regional Council and of the council of such area municipality;

(f) two members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality;

(g) one member of the council of the area municipality of the Township of Brock who has been elected as a member of the Regional Council and of the council of such area municipality;

(h) one member of the council of the area municipality of the Township of Scugog who has been elected as a member of the Regional Council and of the council of such area municipality;

(i) one member of the council of the area municipality of the Township of Uxbridge who has been elected as a member of the Regional Council and of the council of such area municipality.

Term
of office

(2) The members so elected shall hold office for the years 1973, 1974, 1975 and 1976 and thereafter for two-year terms of office.

Appointment
of chairman
by Lieu-
tenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under

this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting. First meeting, 1973

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January. First meeting of area councils

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not Certificate of qualification

take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of allegiance, declaration of qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration of office

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1970, c. 284

When Regional Council deemed organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of meeting

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum, voting

12.—(1) Sixteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman, vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies, chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the

Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman ^{Idem} within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other ^{Other members} than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the ^{Resignation} Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

(6) In the event that the head of a council of an area ^{Where head of council incapacitated} municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the ^{Remuneration} chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

(2) For the year 1977 and each year thereafter, the ^{Idem} chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

15.—(1) The Regional Council may from time to time ^{Committees} establish such standing or other committees and assign to them such duties as it considers expedient.

(2) The Regional Council may by by-law provide for ^{Remuneration of committee chairman} paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O.
1970, c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. ^{Deputy clerk}

(3) When the office of the clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. ^{Acting clerk}

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting clerk who shall have all the powers and duties of a clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter until the Regional Council appoints a clerk under this section. ^{Acting clerk, first meeting}

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix. ^{Records open to inspection}

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land. ^{Index of by-laws affecting land}

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. ^{Copies certified by clerk to be receivable in evidence}

22.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council. ^{Appointment of treasurer}

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and dis-
bursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty
cash fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other accounts; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the ^{Monthly statement} Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, ^{Notice to sureties} the Regional Council shall forthwith give notice to his sureties.

26.—(1) The Regional Council shall by by-law appoint ^{Appointment of auditors} one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

(2) Where an auditor audits the accounts and transactions ^{Cost of audit} of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

(3) No person shall be appointed as an auditor of the ^{Disqualification of auditors} Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council

of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

**Duties
of auditors**

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

**Sick leave
credits**

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof or of the County of Ontario or a local board thereof, or of the United Counties of Northumberland and Durham or a local board thereof, until the Regional Corporation or local

board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the County of Ontario or local board thereof, or the United Counties of Northumberland and Durham or local board thereof, or the municipality or local board thereof. ^{Holidays}

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. ^{Offer of employment}

(6) Any person who accepts employment offered under subsection 5 or under subsection 2 of section 28 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 22nd day of June, 1973. ^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{Application of R.S.O. 1970, c. 324}

(8) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, or of a local municipality or part of a local municipality that is constituted an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed or the local municipality or part of the local municipality that is constituted an area municipality and any person accepting ^{Offer of employment}

employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those which he would have been entitled if he had remained in the employment of the local municipality or local board thereof by which he was formerly employed.

Termination
of employ-
ment

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Hardship
on transfer

28.—(1) Where under the provisions of section 27 or subsection 2 any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

County
employees

(2) With respect to the employees of the County of Ontario or local board thereof and the employees of the United Counties of Northumberland and Durham or local board thereof,

- (a) the Minister shall by order appoint a committee of arbitrators who shall determine which county, regional, metropolitan or other municipality or local board thereof shall offer to employ such employees;
- (b) the decision of such committee of arbitrators shall be final and binding upon the affected municipalities or local boards thereof; and
- (c) the provisions of subsections 1, 2, 3, 4, 7 and 11 of section 27 apply *mutatis mutandis* to employees who accept an offer of employment under this subsection.

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

30.—(1) On and after the 1st day of January, 1974, all County roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Ontario and the United Counties of Northumberland and Durham, within the Regional Area, shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 40, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or

by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

31. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of informa-
tion to
Minister

32. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and High-*

way *Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

34. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

35. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Ontario or The Corporation of the United Counties of Northumberland and Durham or the corporation of the area municipality or the corporation of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Ontario or the United Counties of Northumberland and Durham or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

36.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided

R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

37.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by regional road

38. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

39. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

40.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

Establishment of bus lanes

41.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

42.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contribu-
tions toward
costs of
signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic
control
within
100 feet of
regional
roads
R.S.O. 1970,
c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements
for pedes-
trian walks

43. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

44.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

45. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities R.S.O. 1970, c. 284

46. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

47.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

48.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this Notice of application for approval for closing road

section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such cost; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from the county court, and the decision of the Divisional Court is final.

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 323, s. 95 not to apply

49. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private roads, etc., opening upon regional controlled-access road

50.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 49. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 48 was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective;
or

(b) in compliance with a by-law passed under section 49, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

51.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

52.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

53. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

54. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

REGIONAL WATERWORKS SYSTEM

55.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

Supply and
distribution
of water by
Regional
Corporation

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Area muni-
cipalities, no
power to
supply and
distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of
principal and
interest to
area muni-
cipalities

R.S.O. 1970,
c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

56. With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the supply and distribution of water, the Regional Corpora-

Agreements

tion shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART V

REGIONAL SEWAGE WORKS

Collection
and disposal
of sewage by
Regional
Corporation

57.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 1 of section 58, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipi-
palities, no
power to
collect and
dispose of
sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 1 of section 58.

Vesting of
property in
Regional
Corporation

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 1 of section 58 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payment of
principal and
interest to
area municipi-
palities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 1 of section 58 a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Imposition of
sewage rate

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 1 of section 58, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970,
c. 284

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sew-

age and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Land
drainage

58.—(1) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of systems

(2) Where the Regional Corporation undertakes a program provided for in subsection 1, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation and the provisions of subsections 4 and 5 of section 57 shall apply thereto *mutatis mutandis*.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

59.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a planning area under *The Planning Act* to be known as the Durham Planning Area and no area municipality shall be a planning area under *The Planning Act*.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Durham Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Official
plans
preserved

(3) All official plans in effect in any part of the Regional Area, on and after the first day of January, 1974, remain in effect as official plans of the Durham Planning Area and when an official plan adopted by the Regional Council has been approved by the Minister all other official plans shall be amended forthwith to conform therewith.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith.

60.—(1) The Regional Council may designate any area municipality within the Durham Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. ^{District planning areas}

(2) Upon designation of an area municipality as a district planning area under subsection 1, the Regional Council shall authorize the council of the affected area municipality to prepare a district plan. ^{Preparation of district plan}

61.—(1) Every council of an area municipality authorized under subsection 2 of section 60 shall investigate and survey the physical, social and economic conditions in relation to the development of the affected area municipality and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall, ^{Planning duties of area councils}

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality in determining the solution of problems or matters affecting the development of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council for approval.

(2) The Regional Council shall, with respect to plans submitted to it under clause d of subsection 1, ^{Powers of Regional Council}

- (a) approve the plan, after amendment if the Regional Council deems it necessary, and forward it to the Minister for approval as an official plan or as an amendment to an official plan, as the case may be; or
- (b) reject the plan,

and the Regional Council may confer with officials of municipalities and any others who may be concerned.

Planning
duties of
Regional
Council

62.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Durham Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Durham Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Durham Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Durham Planning Area in determining the solution of problems or matters affecting the development of the Durham Planning Area; and
- (c) consult with any local board having jurisdiction within the Durham Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed mun-
cipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Durham Planning Area or any part thereof.

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Durham Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act. Committees of adjustment

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*. Land division committee

63. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation. Application of R.S.O. 1970, c. 349

PART VII

POLICE

64. In this Part, "Durham Police Board" means the Durham Regional Board of Commissioners of Police. Interpretation

65.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Durham Regional Board of Commissioners of Police, which shall consist of, Durham Regional Board established R.S.O. 1970, c. 351

(a) two members of the Regional Council appointed by resolution of the Regional Council;

 (b) a judge of any county or district court designated by the Lieutenant Governor in Council; and 

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Durham Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. Quorum

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed a
city under
R.S.O. 1970,
c. 351

66.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Durham Police Board and the members of the Durham Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Durham Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area
police force

67.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Durham Regional Police Force, and the provisions of subsection 4 of section 27 and section 28 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

Durham
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Durham Regional Police Force on the 1st day of January, 1974, is subject to the government of the Durham Police Board to the same extent as if appointed by the Durham Police Board and the Durham Regional Police Association shall be entitled to make representations to such Board in respect of by-laws

and regulations for the government of the Durham Regional Police Force.

(3) Every person who becomes a member of the Durham Regional Police Force under subsection 1 shall, ^{Terms of employment}

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Durham Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Durham Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

(4) Civilian employees and assistants of the Durham Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains the age of sixty-five years. ^{Civilians, retirement}

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Durham Police Board in the manner and for the purposes provided in *The Police Act* and the Durham Police Board shall be the sole negotiating body to bargain with such committee. ^{Joint bargaining committee}
^{R.S.O. 1970, c. 351}

(6) The first meeting of the bargaining committee and the Durham Police Board shall be held not later than the 30th day of November, 1973. ^{Time of meeting}

Application
of R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Durham Police Board.

Assumption
of buildings

68.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Durham Police Board any such land or building that the Durham Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by
area municipa-
lities
limited

(2) No local municipality, between the 1st day of July, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board, sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) Where the Regional Corporation fails to make any ^{Default} payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(7) Where a building vested in a local municipality ^{Accommodation} or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Durham Police Board, on or after the 1st day of January, 1974, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Durham Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

69.—(1) At the request of the Durham Police Board, ^{Office supplies, etc., transferred} each area municipality, for the use of the Durham Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

70. In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

71. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Durham Police Board.

PART VIII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

72.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Ontario and whose place of residence was on the 31st day of December, 1973, within the Regional Area, or the United Counties of Northumberland and Durham and whose place of residence was on the 31st day of December, 1973, within the Regional Area. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. Proviso

73.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of principal and interest to area municipalities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 89. Hospital costs form part of regional levy

74.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Durham Regional Board of Health. Regional Area to be health unit
R.S.O. 1970, c. 377

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Dissolution
of health
units, etc.

75. The Minister of Health shall by order provide for the dissolution or reorganization of the health units serving the County of Ontario and the United Counties of Northumberland and Durham on the 31st day of December, 1973, and for the vesting of the assets and liabilities thereof.

Constitution
of health
board

76.—(1) On and after the 1st day of January, 1974, the Durham Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Durham Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Durham Regional Board of Health establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

77.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- 1. *The Anatomy Act.*
- 2. *The Mental Hospitals Act.*
- 3. *The Sanatoria for Consumptives Act.*
- 4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

- 1. *The Day Nurseries Act.*
- 2. *The General Welfare Assistance Act.*
- 3. *The Homemakers and Nurses Services Act.*

78.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged,
R.S.O. 1970,
c. 206

(2) The homes for the aged known as Lakeview Manor, in the Village of Beaverton, Fairview Lodge, in the Town of Whitby, and Hillsdale Manor, in the City of Oshawa, and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, subject to subsection 3, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to the City of Oshawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of such city in respect of the home known as Hillsdale Manor referred to in subsection 2.

Existing debt

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made.

Default

79.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of maintenance payment

80. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act.

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

81. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing liabilities transferred 1965, c. 14

Liability
under order
made under
R.S.C. 1970,
c. J-3

82. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

83. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

84. In the event there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

85. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

86.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 89 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*. R.S.O. 1970,
c. 405

87. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment
of moneys not
immediately
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

88.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly
estimates

(2) In preparing the estimates, the Regional Council shall, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance
to be made
in estimates

(3) The amount by which any operating deficit existing for the County of Ontario on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities, or municipality or municipalities within the County of Ontario, as it existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974. Operating
deficit,
County of
Ontario

(4) The amount by which any operating deficit existing for the United Counties of Northumberland and Durham on the 31st day of December, 1973, exceeds the total of such counties' reserves on such date shall become a charge on the municipalities that levied rates for such counties in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the County Operating
deficit,
United
Counties of
Northumber-
land and
Durham

of Northumberland by the appropriate area municipality or municipalities, or municipality or municipalities within the United Counties of Northumberland and Durham, as they existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Ontario

(5) Where an operating surplus exists for the County of Ontario on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Township of Mara and the Township of Rama, to the County of Simcoe;
- (b) in respect of that part of the Township of Pickering which becomes part of the Borough of Scarborough, as determined in the proportion that the assessment of such part bears to the total assessment of the Township of Pickering, both according to the last revised assessment roll, to the Municipality of Metropolitan Toronto,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

Operating
surplus, etc.,
United
Counties of
Northumber-
land and
Durham

(6) Where an operating surplus exists for the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such counties' reserves on such date, such amount shall vest in the County of Northumberland, and the County of Northumberland shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Town of Bowmanville, the Village of Newcastle, the Township of Cartwright, the Township of Clarke and the Township of Darlington, to the Regional Corporation;
- (b) in respect of the Township of Manvers to the County of Victoria;
- (c) in respect of the Village of Millbrook, the Township of Cavan and the Township of South Monaghan to the County of Peterborough,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

(7) Where an operating surplus exists for the County of Ontario or the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of the respective county's reserves on such date, a sum shall be determined equivalent to the aggregate of, Surplus contribution. City of Oshawa

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date; and
- (c) any amount payable to the Regional Corporation under subsection 6,

and such sum shall be paid by the City of Oshawa to the Regional Corporation not later than the 30th day of June, 1974.

(8) Notwithstanding subsection 2 in the year 1974, the Regional Council shall transfer to a reserve for working funds Reserve for working funds an amount equal to the aggregate of,

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsections 6 and 7.

(9) For the purposes of subsections 7 and 8, the audited surplus of the County of Ontario at the 31st day of December, 1973, shall be reduced by any payment made by the Regional Corporation under subsection 5. Operating surplus, County of Ontario

(10) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, cc. 32, 284

89.—(1) The Regional Council in each year shall levy Levy on area municipalities against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

- (2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

- (3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized assessment

- (4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to Regional Corporation and area municipality

- (5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

- (6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

- (7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

- (8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional

Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 149 to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid R.S.O. 1970, c. 284 1971, c. 78 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

Levy
by-laws

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1970,
c. 32

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalization
of assessment
of merged
areas

90.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and

subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970, c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970, c. 405

91.—(1) Notwithstanding section 89, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 89, and subsections 14 and 15 of section 89 apply to such levy. Levy by Regional Council before estimates adopted

(2) Notwithstanding section 89, in 1975 and in subsequent years the Regional Council may, before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 89 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 89. Levy under s. 89 to be reduced

(4) Notwithstanding section 90, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area municipality before estimates adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 89. Levy under s. 89 to be reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1970, c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment based on the assessment of the local municipality used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 89, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 89.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

92.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment

for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for secondary school purposes on residential assessment
R.S.O. 1970, c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under
R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

93. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

94.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited

Idem

surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment
under
s. 88

(4) For the purpose of this section and section 95, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under subsections 3, 4 and 7 of section 88.

Interpre-
tation

R.S.O. 1970,
c. 284

95.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

96.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of Pickering, the County of Ontario and the United Counties of Northumberland and Durham.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the Regional Corporation and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional

Corporation or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the Regional Corporation and such municipalities or area municipalities.

R.S.O. 1970,
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records

(8) The provisions of subsection 7 apply *mutatis mutandis* to the documents and records of the County of Ontario and the United Counties of Northumberland and Durham as between such counties and the Regional Corporation and any other counties directly concerned.

Idem

(9) Notwithstanding the provisions of sections 88 and 95 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of
adjustment

RESERVE FUNDS

97.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend

Idem

funds are reserve funds of the area municipality of which the local municipality forms the whole or a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds, estab-
lishment

98.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

99.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

100.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 103, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

101. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 100 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area Power to
incur debt
or issue
debentures

Idem

102.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323Borrowing
pending
issue and
sale of
debentures

103.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see the application of the proceeds and, if the

debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 115 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

104.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of debt levied against it under subsection 4. Levy by area municipalities

Instalment
debentures
and debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies a
debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of

in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debenture

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws
R.S.O. 1970, c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assess-

ments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount ^{Principal Levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

- (b) in debentures of the Regional Corporation;

- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of
Securities
with
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Release of
Securities
by Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited to
sinking fund
account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund require-
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account more
than suffi-
cient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of the area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate
of interest
may be
varied

105.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 103 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money to
be raised

106.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect

any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

107.—(1) Subject to section 106, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application of payments

108. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

109.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1970,
cc. 323, 136, 255

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 102, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 104 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

110.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures

or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced Effect of mechanical reproduction has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently Sufficiency of signatures signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

111. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it Debentures on which payment has been made for one year to be valid are valid and binding upon the Regional Corporation.

112.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect: Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture

Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such a book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as the owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Debenture
registered as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

113. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

114.—(1) On request of the holder of any debentures issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Idem

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same
force and
effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in

the Debenture Registry Book particulars of any new debenture issued in exchange.

115.— (1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes. Application of proceeds of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality. Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied, Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. Deficiency

116. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied Use of proceeds of sale of asset acquired from proceeds of sale of debentures

as an excess in accordance with subsection 3 of section 115 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

117. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

118.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

119. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

120.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability of members

(2) If the Regional Council, upon the request in writing of a ratepayer of an area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. Action by ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

121. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

122. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal of assets

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

123.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

Delegation
of approval

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 36 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which prior to its enactment, requires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

124.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments

and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C.1970,
c. W-2;
R.S.O. 1970,
c. 145

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

125.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes.

Industrial
sites;
industries
department
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants to
persons
engaged
in work
advan-
tageous to
Regional
Area

126. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for

the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

127. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Durham Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees

R.S.O. 1970, c. 505

128.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

Commission
of inquiry

129.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

1971, c. 49

When com-
mission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

130. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

131. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application
of R.S.O. 1970
c. 23

132.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipal-
ities deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

133.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Execution
against
Regional
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs, The Regional Municipality of Durham

(adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties
dissolved

134.—(1) The County of Durham and the Corporation of the County of Ontario and the Corporation of the United Counties of Northumberland and Durham are dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Ontario and the United Counties of Northumberland and Durham in any agreements to which such county, or united counties, was, on the 31st day of December, 1973, a party, in so far as they pertain to the Regional Area.

Idem

(2) With respect to agreements to which the County of Ontario, or the United Counties of Northumberland and Durham was a party, on the 31st day of December, 1973, the committee of arbitrators appointed under section 96 shall, where necessary, determine the successor to such county or successors to such united counties for the purpose of such agreements in so far as they do not pertain to the Regional Area.

Annexations

(3) On the 1st day of January, 1974,

- (a) the townships of Rama and Mara are annexed to the County of Simcoe;
- (b) the Township of Manvers is annexed to the County of Victoria;

(c) the townships of Cavan and South Monaghan and the Village of Millbrook are annexed to the County of Peterborough; and

(d) the Township of Hope and the Town of Port Hope are annexed to the County of Northumberland.

(4) For the purposes of every Act, the annexations provided for by subsection 3 shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of January, 1974, pursuant to applications made under section 14 of *The Municipal Act*, and, subject to the provisions of this Act, the Municipal Board, upon the application of any county or local municipality or local board thereof affected by the annexations or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Annexations
deemed by
orders of
O.M.B.

R.S.O. 1970,
cc. 323, 284

135.—(1) All the assets and liabilities excepting reserves, surpluses or deficits of the County of Ontario and the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Ontario and of the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, shall be transferred to the clerk of the Regional Corporation.

Assets and
liabilities,
etc.

(2) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Ontario and the United Counties of Northumberland and Durham.

Powers of
Municipal
Board

(3) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed or vested in the Regional Corporation, the Municipal Board upon application may determine the matter and its decision is final.

Idem

Conditional
powers

136. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

137.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Ontario or a local board thereof or to the United Counties of Northumberland and Durham or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

138.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

139.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3.

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*.

140. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality.

141. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establish-

ment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued

R.S.O. 1970,
c. 202

142.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

143.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Boards of
Trustees of
Police
Villages of
Orono and
Sunderland
to be Hydro-
Electric
Commissions

(4) The Board of Trustees of the Police Village of Orono and the Board of Trustees of the Police Village of Sunderland,

as they exist on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be commissions established under Part III of *The Public Utilities Act* for the areas of their respective said police villages and be respectively known as the Hydro-Electric Commission of Orono and the Hydro-Electric Commission of Sunderland.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric systems of the Police Village of Orono and the Police Village of Sunderland shall be assumed on the 1st day of January, 1974, in respect of the Police Village of Orono, by the Hydro-Electric Commission of Orono, which Commission shall be deemed to be a local board of the area municipality of the Town of Newcastle, and in respect of the Police Village of Sunderland, by the Hydro-Electric Commission of Sunderland, which Commission shall be deemed to be a local board of the area municipality of the Township of Brock.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of council

144.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Durham, except the area municipality of the Town of Newcastle, is a school division and The Ontario County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Durham, except the area municipality of the Town of Newcastle.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

(2) Subject to subsection 3, on the 1st day of January, 1974, all real and personal property in the Regional Area except the area municipality of the Town of Newcastle that, on the 31st day of December, 1973, was vested in The Northumberland and Durham County Board of Education is vested in the divisional board for the portion of the Regional Area referred to in subsection 1, and all debts, contracts, agreements and liabilities for which The Northumberland and Durham County Board of Education

Vesting of
property

was liable in respect of such real and personal property become obligations of the divisional board for such portion of the Regional Area.

Adjustment
of assets
and
liabilities

(3) The divisional board for the portion of the Regional Area referred to in subsection 1 and The Northumberland County Board of Education referred to in section 145 shall adjust in an equitable manner as may be agreed upon, the assets and the liabilities as at the 31st day of December, 1973, in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December and the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every employee who, immediately before the 1st day of January, 1974, was employed by The Northumberland and Durham County Board of Education to provide services in a school that on and after the 1st day of January, 1974, is included in the Regional Area except the area municipality of the Town of Newcastle shall be deemed to have been made with the divisional board for the portion of the Regional Area referred to in subsection 1.

Northumber-
land and
Durham
County
Board of
Education
continued
R.S.O. 1970,
c. 425

145.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Northumberland and Durham County Board of Education is continued and shall, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, be known as The Northumberland County Board of Education and shall have jurisdiction for school purposes in the County of Northumberland and in the area municipality of the Town of Newcastle.

Board
members
continue
in office

(2) The members of The Northumberland and Durham County Board of Education who hold office on the 31st day of December, 1973, and who represent public school supporters or separate school supporters who, on and after the 1st day of January, 1974, are resident in the area municipality of the Town of Newcastle or in any of the municipalities that on and after the 1st day of January, 1974, are within the County of Northumberland continue to hold office, as members of The Northumberland County Board of Education during the year 1974.


Ontario
County
Roman
Catholic
Separate
School
Board
continued
R.S.O. 1970,
c. 430

146.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Ontario County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools*


Act, as a county combined separate school board for the Regional Area except the area municipality of the Town of Newcastle.

(2) Notwithstanding the provisions of any other Act, ^{Idem} on and after the 1st day of January, 1974, The Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board is continued and shall be known, subject to subsection 2 of section 85 of *The Separate Schools Act*, as The Northumberland-Peterborough-Victoria County Roman Catholic Separate School Board and shall have jurisdiction in the Counties of Northumberland, Peterborough, and Victoria and in the area municipality of the Town of Newcastle.

R.S.O. 1970,
c. 430

 **147.** Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Ontario County Board of Education, and section 90 of *The Separate Schools Act* applies to the election of the trustees of The Ontario County Roman Catholic Separate School Board, except that notwithstanding *The Municipal Elections Act*, 1972, in the year 1973,

Elections
for educa-
tional
purposes
R.S.O. 1970,
cc. 425, 430,
1972, c. 95

- (a) the polling day for the members of The Ontario County Board of Education and the trustees of The Ontario County Roman Catholic Separate School Board shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members and trustees elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Ontario County Board of Education and for The Ontario County Roman Catholic Separate School Board and may, by order, provide for any other matters necessary to hold the election for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such elections shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. 

148.—(1) On the 31st day of December, 1973, all com- <sup>Boards,
etc.,
dissolved</sup> munity centre boards and all boards of recreation or park

management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 96 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council deemed recreation committee, etc.

R.S.O. 1970, c. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring land for parks, etc.

R.S.O. 1970, c. 384

149.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of R.S.O. 1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional Corporation a municipality under R.S.O. 1970, c. 337

Park lands owned by conservation authority

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*,

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

(7) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Regional Council deemed community centre board, etc.
R.S.O. 1970, cc. 120, 73

150. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970, c. 284, s. 244
not to apply

151. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public library boards
R.S.O. 1970, c. 381

152. The Council of the City of Oshawa may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of cities in Regional Area to pass by-laws
R.S.O. 1970, c. 284

153.—(1) The Oshawa Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974. Roads commission dissolved

(2) All the assets and liabilities of the roads commission referred to in subsection 1 become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the clerk. Assets and liabilities

154.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation and the costs incurred before the 1st day of July, 1974, in respect of its change of name, by a school board that has jurisdiction in part of the Regional Area. Organization expenses, etc.

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

Commence-
ment

155.—(1) This Act, except Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII, sections 86 to 95 and 97 to 121 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII and sections 86 to 95 and 97 to 121 of Part IX come into force on the 1st day of January, 1974.

Short title

156. This Act may be cited as *The Regional Municipality of Durham Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Durham

1st Reading

June 13th, 1973

2nd Reading

June 20th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by
the Committee of the Whole House)*

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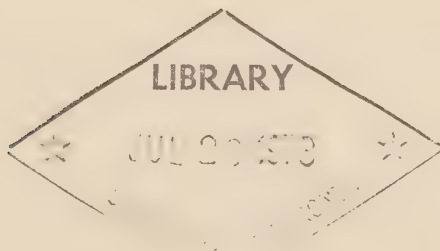
BILL 162

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Regional Municipality of Durham**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 162

1973

An Act to establish The Regional Municipality of Durham

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (i) "local municipality" means in the year 1973 any local municipality or portion thereof within the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality, or a local municipality or part of a local municipality that is constituted an area municipality under subsection 1 of section 2, or the local municipality to which such part is annexed;
- (k) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 99;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means,
 - A. the area included within the County of Ontario, except the townships of Rama and Mara and except that portion of the Township of Pickering annexed to the Borough of Scarborough by subsection 1a of section 148 of *The Municipality of Metropolitan Toronto Act*, as enacted by the Statutes of Ontario, 1973, chapter 48, section 5, and,

B. the area included within the County of Durham, except the Township of Manvers, the Township of Cavan, the Village of Millbrook, the Township of Hope and the Town of Port Hope, and

(ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;

(p) "Regional Corporation" means, subject to subsection 6 of section 6, The Regional Municipality of Durham;

(q) "Regional Council" means the council of the Regional Corporation;

(r) "regional road" means a road forming part of the regional road system established under Part III;

(s) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution of area municipalities

(a) The Corporation of the City of Oshawa and The Corporation of the Township of East Whitby are amalgamated as a city municipality bearing the name of The Corporation of the City of Oshawa;

(b) The Corporation of the Town of Ajax and The Corporation of the Village of Pickering are amalgamated as a town municipality bearing the name of The Corporation of the Town of Ajax and the portions of the Township of Pickering, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Pickering, commencing at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV of the Township of Pickering to a point measured 126.33 feet easterly

therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the said Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the south-east angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE northerly, easterly and southerly following the boundaries between the Township of Pickering and the Village of Pickering to an angle in the Town of Ajax;

THENCE easterly and southerly following the various boundaries between the Township of Pickering and the Town of Ajax to the southeast angle of the said Town;

THENCE easterly along the south boundary of the Township of Pickering being along the International Boundary to the southeast angle thereof;

THENCE northerly along the east boundary of the Township of Pickering to the point of commencement;

SECONDLY, part of the Township of Pickering commencing at the southwest angle of Lot 14 in Concession I of the Township of Pickering;

THENCE easterly along the southerly limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE easterly and northerly following the boundaries between the Township of Pickering and the Town of Ajax to an angle in the Village of Pickering;

THENCE westerly following the boundaries between the Township of Pickering and the Village of Pickering to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to the point of commencement;

- (c) The Corporation of the Town of Bowmanville, The Corporation of the Village of Newcastle, The Corporation of the Township of Clarke and The Corporation of the Township of Darlington are amalgamated as a town municipality bearing the name of The Corporation of the Town of Newcastle;
- (d) The portion of the Township of Pickering, described as follows, is established as a town municipality bearing the name of The Corporation of the Town of Pickering;

COMMENCING at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway right-of-way a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE southerly along the west boundary of the Village of Pickering to the southwest angle of the said Village being at the south limit of the right-of-way of the Canadian National Railway Company;

THENCE easterly along the south limit of the said right-of-way to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to its southwest angle;

THENCE easterly along the south limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE southerly following the boundaries between the Township of Pickering and the Town of Ajax to the International Boundary between Canada and the United States of America;

THENCE westerly following the said International Boundary to the intersection of a line having the same course as the west boundary of the Township of Pickering drawn southerly from the mouth of the Rouge River at Lake Ontario;

THENCE northerly on the same course as the west boundary of the said Township to the mouth of the said Rouge River;

THENCE northwesterly following the middle of the main channels of the Rouge River and the Little Rouge Creek to the west boundary of the Township of Pickering;

THENCE northerly following the west boundary of the Township of Pickering to its northwest angle thereof;

THENCE easterly along the north boundary of the said Township of Pickering to the northeast angle thereof;

THENCE southerly following the east boundary of the Township of Pickering to the point of commencement;

- (e) The Corporation of the Town of Whitby is continued as a town municipality;
- (f) The Corporation of the Village of Beaverton, The Corporation of the Village of Cannington, The Corporation of the Township of Brock and The Corpora-

tion of the Township of Thorah are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brock;

(g) The Corporation of the Village of Port Perry, The Corporation of the Township of Cartwright, The Corporation of the Township of Reach and The Corporation of the Township of Scugog are amalgamated as a township municipality bearing the name of The Corporation of the Township of Scugog;

(h) The Corporation of the Town of Uxbridge, The Corporation of the Township of Scott and The Corporation of the Township of Uxbridge are amalgamated as a township municipality bearing the name of The Corporation of the Township of Uxbridge.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Orono.
2. The Police Village of Sunderland.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause a of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names
of area
municipi-
palities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

Composition
of council

3.—(1) On and after the 1st day of January, 1974, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Oshawa—Except as may be provided under subsection 3, fourteen members, ten of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The Town of Ajax—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
3. The Town of Newcastle—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
4. The Town of Pickering—Except as may be provided under subsection 3, six members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

5. The Town of Whitby—Except as may be provided under subsection 3, six members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Brock—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
7. The Township of Scugog—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
8. The Township of Uxbridge—Except as may be provided under subsection 3, six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1973, and the day for polling shall be the 1st day of October and the first councils elected shall hold office for the years 1974, 1975 and 1976. Election
and term
of office

(3) For the purposes of the elections of the first councils of the area municipalities and the members thereof to represent the area municipalities on the Regional Council, Idem

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of the council of the area municipality and

of the Regional Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates; and

(c) the Minister shall by order,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

Application
of 1972, c. 95

(4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Committee
organization
in 1973

(5) The members of the council of each area municipality elected in the year 1973 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

4. The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1973 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board
of Control

5. No area municipality shall have a Board of Control.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

6.—(1) On the 15th day of October, 1973, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Durham".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area deemed
judicial
district

(3) On and after the 1st day of January, 1974, the Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Durham, and for the

purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the County of Ontario shall be deemed to be a reference to the treasurer appointed under this Act for the Regional Corporation.

R.S.O. 1970,
c. 230

(4) On or before the 1st day of January, 1975, the Lieutenant Governor in Council shall, by regulations made under *The Registry Act* and *The Land Titles Act*, adjust the boundaries of any registry and land titles division that includes lands affected by this Act so as to make the boundaries of such division coincide with the boundaries of the Regional Area.

Registry
boundaries
R.S.O. 1970,
cc. 409, 234

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Durham.

Appoint-
ments for
County of
Ontario
deemed
appoint-
ments for
Judicial
District of
Durham

(6) Notwithstanding subsection 1, a vote of the electors within the Regional Area shall be taken at the same time as the election for the first Regional Council, to determine from among "Durham", "McLaughlin", "Pickering" and "Oshawa", which name the Regional Corporation shall bear and, following the vote, the Minister shall by order,

Referendum
re name of
Regional
Corporation

- (a) confirm the name of the Regional Corporation as set out in subsection 1, as being that chosen by the majority of the electors within the Regional Area; or
- (b) declare the name the Regional Corporation shall bear as being that chosen by the majority of the electors within the Regional Area,

and where a declaration is made under clause *b*, all references to The Regional Municipality of Durham shall be deemed to be references to such regional municipality as designated in the declaration.

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers
exercised
by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be
quashed as
unreasonable

Composition
of Regional
Council

8.—(1) The Regional Council shall consist of thirty-one members composed of a chairman and,

- (a) in the year 1973, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) ten members of the council of the area municipality of the City of Oshawa who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Ajax who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) three members of the council of the area municipality of the Town of Newcastle who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) three members of the council of the area municipality of the Town of Pickering who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality;
- (g) one member of the council of the area municipality of the Township of Brock who has been elected as a member of the Regional Council and of the council of such area municipality;
- (h) one member of the council of the area municipality of the Township of Scugog who has been elected as a member of the Regional Council and of the council of such area municipality;
- (i) one member of the council of the area municipality of the Township of Uxbridge who has been elected as a member of the Regional Council and of the council of such area municipality.

Term
of office

(2) The members so elected shall hold office for the years 1973, 1974, 1975 and 1976 and thereafter for two-year terms of office.

Appointment
of chairman
by Lieu-
tenant
Governor
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1973, to hold office at pleasure during the years 1973 to 1976 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under

this subsection shall be paid out of the Consolidated Revenue Fund such remuneration and other expenses as the Lieutenant Governor in Council may determine.

(2) At the first meeting of the Regional Council in the year 1977 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. Election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. Where chairman member of area council

(4) If, at the first meeting of the Regional Council in the year 1977 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. Failure to elect chairman

10.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1973, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting. First meeting, 1973

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1974 and in the year 1977 and in every second year thereafter shall be held not later than the 8th day of January. First meeting of area councils

(3) The first meeting of the Regional Council in the year 1977 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. First meeting of Regional Council

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8, other than the mayor of each area municipality, shall not Certificate of qualification

take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of allegiance, declaration of qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration of office

(7) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

R.S.O. 1970, c. 284

When Regional Council deemed organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of meeting

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum, voting

12.—(1) Sixteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman, vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies, chairman

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the

Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman ^{Idem} within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other ^{Other members} than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the ^{Resignation} Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

(6) In the event that the head of a council of an area ^{Where head of council incapacitated} municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

14.—(1) Members of the Regional Council, other than the ^{Remuneration} chairman, may be paid for services performed on and after the 1st day of January, 1974, such annual and other remuneration as the Regional Council may determine.

(2) For the year 1977 and each year thereafter, the ^{Idem} chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

15. (1) The Regional Council may from time to time ^{Committees} establish such standing or other committees and assign to them such duties as it considers expedient.

(2) The Regional Council may by by-law provide for ^{Remuneration of committee chairman} paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural
by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of
Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of R.S.O.
1970, c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting
chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application
of R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation.

Appoint-
ment of
clerk

20.—(1) The Regional Council shall appoint a clerk whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

(3) When the office of the clerk is vacant or the clerk ^{Acting clerk} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

(4) The chairman appointed under subsection 1 of section 9 ^{Acting clerk, first meeting} shall appoint an acting clerk who shall have all the powers and duties of a clerk for the purposes of the first meeting of the Regional Council in the year 1973 and thereafter until the Regional Council appoints a clerk under this section.

21.—(1) Any person may, at all reasonable hours, inspect ^{Records open to inspection} any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he ^{Index of by-laws affecting land} shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified ^{Copies certified by clerk to be receivable in evidence} under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

22.—(1) The Regional Council shall appoint a treasurer ^{Appointment of treasurer} to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt
and dis-
bursement
of money

23.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty
cash fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer ^{Bank accounts} shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other accounts; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the ^{Monthly statement} Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

(2) Where the treasurer is removed from office or absconds, ^{Notice to sureties} the Regional Council shall forthwith give notice to his sureties.

26.—(1) The Regional Council shall by by-law appoint ^{Appointment of auditors} one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

(2) Where an auditor audits the accounts and transactions ^{Cost of audit} of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

(3) No person shall be appointed as an auditor of the ^{Disqualification of auditors} Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council

of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(2) Where the Regional Corporation or local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof or of the County of Ontario or a local board thereof, or of the United Counties of Northumberland and Durham or a local board thereof, until the Regional Corporation or local

board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the County of Ontario or local board thereof, or the United Counties of Northumberland and Durham or local board thereof, or the municipality or local board thereof. ^{Holidays}

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. ^{Offer of employment}

(6) Any person who accepts employment offered under subsection 5 or under subsection 2 of section 28 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1974, of not less than he was receiving on the 22nd day of June, 1973. ^{Entitlement to salary}

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. ^{Application of R.S.O. 1970, c. 324}

(8) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, or of a local municipality or part of a local municipality that is constituted an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection 5, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed or the local municipality or part of the local municipality that is constituted an area municipality and any person accepting ^{Offer of employment}

employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1974, of not less than he was receiving on the 1st day of April, 1973.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection 8 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection 8 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those which he would have been entitled if he had remained in the employment of the local municipality or local board thereof by which he was formerly employed.

Termination
of employ-
ment

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Hardship
on transfer

28.—(1) Where under the provisions of section 27 or subsection 2 any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

County
employees

(2) With respect to the employees of the County of Ontario or local board thereof and the employees of the United Counties of Northumberland and Durham or local board thereof,

- (a) the Minister shall by order appoint a committee of arbitrators who shall determine which county, regional, metropolitan or other municipality or local board thereof shall offer to employ such employees;
- (b) the decision of such committee of arbitrators shall be final and binding upon the affected municipalities or local boards thereof; and
- (c) the provisions of subsections 1, 2, 3, 4, 7 and 11 of section 27 apply *mutatis mutandis* to employees who accept an offer of employment under this subsection.

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

29. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;

- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

30.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Ontario and the United Counties of Northumberland and Durham, within the Regional Area, shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 1 of section 40, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or

by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection 10, where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

Consolidat-
ing by-laws

(9) The Regional Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the regional road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

Application
of R.S.O. 1970,
c. 410

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plan of
construction
and
maintenance

31. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of informa-
tion to
Minister

32. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require.

Contribution
towards
expenditures
R.S.O. 1970,
c. 201

33. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and High-*

way *Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

34. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. Maintenance and repair

35. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Ontario or The Corporation of the United Counties of Northumberland and Durham or the corporation of the area municipality or the corporation of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Ontario or the United Counties of Northumberland and Durham or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. Power over roads assumed

36.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided
R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1970, c. 201, s. 97, subs. 4, not to apply

(5) Subsection 4 of section 97 of *The Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

37.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by regional road

38. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system.

New roads

39. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 30 by adding such new roads to the regional road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

40.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection “public transit motor vehicle” means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service.

Establishment of bus lanes

41.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

42.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

Contributions toward costs of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 feet of regional roads
R.S.O. 1970, c. 202

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements for pedestrian walks

43. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelling portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

44.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. Term of order

45. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between area municipalities R.S.O. 1970, c. 284

46. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. Boundary bridges between Regional Area and adjoining municipality

47.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. Conflict with local by-laws

48.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this Notice of application for approval for closing road

section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such cost; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing of
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from the county court, and the decision of the Divisional Court is final.

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970,
c. 323, s. 95
not to apply

49. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private
roads, etc.,
opening upon
regional
controlled-
access road

50.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 49. Notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of
notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to
comply with
notice

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 48 was constructed or used, as the case may be, Compensa-
tion

(a) before the day on which the by-law designating the road as a controlled-access road became effective;
or

(b) in compliance with a by-law passed under section 49, in which case the making of compensation is subject to any provisions of such by-law.

Regional
liability
where road
forms part
of system

51.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970,
c. 255

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

52.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

53. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act* to administer and manage the regional road system.

Application
of R.S.O. 1970,
c. 201

54. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the regional road system.

PART IV

REGIONAL WATERWORKS SYSTEM

55.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and all the provisions of any general Act relating to the supply and distribution of water by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation except the power to establish a public utilities commission.

Supply and
distribution
of water by
Regional
Corporation

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Area muni-
cipalities, no
power to
supply and
distribute
water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves of the local municipalities relating to any facility for the supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of
principal and
interest to
area muni-
cipalities

R.S.O. 1970,
c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

56. With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the supply and distribution of water, the Regional Corpora-

Agreements

tion shall, on the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

PART V

REGIONAL SEWAGE WORKS

Collection and disposal of sewage by Regional Corporation

57.—(1) On and after the 1st day of January, 1974, the Regional Corporation shall have the sole responsibility for the collection and disposal of all sewage, except as provided in subsection 1 of section 58, in the Regional Area and all of the provisions of any general Act relating to the collection and disposal of such sewage by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Area municipalities, no power to collect and dispose of sewage

(2) On and after the 1st day of January, 1974, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, except as provided in subsection 1 of section 58.

Vesting of property in Regional Corporation

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 1 of section 58 and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payment of principal and interest to area municipalities

(4) The Regional Council shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

(5) Where the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to
be charged
by area
municipality

(6) The Regional Corporation may by by-law provide for imposing on and collecting from any area municipality, in respect of the whole of such municipality or any designated part thereof from which sewage is received, except as provided for in subsection 1 of section 58 a sewage rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for the maintenance, operation and debt service of the regional sewage system, and if any area municipality considers itself aggrieved by the imposition of any rate under this section, it may appeal to the Municipal Board.

Imposition of
sewage rate

(7) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 1 of section 58, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(8) An area municipality may,

Raising of
money by
area
municipality

(a) pay the amounts chargeable to it under subsection 6 out of its general funds; or

(b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1970.
c. 284

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sew-

age and land drainage chargeable within an urban service area established in the area municipality under any general or special Act.

Land
drainage

58.—(1) The Regional Corporation shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the Regional Area as the Regional Corporation deems necessary, and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption
of systems

(2) Where the Regional Corporation undertakes a program provided for in subsection 1, the Regional Corporation may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation and the provisions of subsections 4 and 5 of section 57 shall apply thereto *mutatis mutandis*.

PART VI

PLANNING

Planning
area

R.S.O. 1970,
c. 349

59.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a planning area under *The Planning Act* to be known as the Durham Planning Area and no area municipality shall be a planning area under *The Planning Act*.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Durham Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1973.

Official
plans
preserved

(3) All official plans in effect in any part of the Regional Area, on and after the first day of January, 1974, remain in effect as official plans of the Durham Planning Area and when an official plan adopted by the Regional Council has been approved by the Minister all other official plans shall be amended forthwith to conform therewith.

Effect of
official plan

(4) When the Minister has approved an official plan adopted by the Regional Council, every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith.

60.—(1) The Regional Council may designate any area municipality within the Durham Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. ^{District planning areas}

(2) Upon designation of an area municipality as a district planning area under subsection 1, the Regional Council shall authorize the council of the affected area municipality to prepare a district plan. ^{Preparation of district plan}

61.—(1) Every council of an area municipality authorized under subsection 2 of section 60 shall investigate and survey the physical, social and economic conditions in relation to the development of the affected area municipality and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall, ^{Planning duties of area councils}

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality in determining the solution of problems or matters affecting the development of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council for approval.

(2) The Regional Council shall, with respect to plans submitted to it under clause *d* of subsection 1, ^{Powers of Regional Council}

- (a) approve the plan, after amendment if the Regional Council deems it necessary, and forward it to the Minister for approval as an official plan or as an amendment to an official plan, as the case may be; or
- (b) reject the plan,

and the Regional Council may confer with officials of municipalities and any others who may be concerned.

Planning
duties of
Regional
Council

62.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Durham Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Durham Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Durham Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Durham Planning Area in determining the solution of problems or matters affecting the development of the Durham Planning Area; and
- (c) consult with any local board having jurisdiction within the Durham Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary.

Regional
Corporation
deemed muni-
cipality
under
R.S.O. 1970,
c. 349

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Durham Planning Area or any part thereof.

(8) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers R.S.O. 1970, c. 349

(9) All committees of adjustment heretofore constituted by the council of a local municipality in the Durham Planning Area are hereby dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act. Committees of adjustment

(10) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of *The Planning Act*. Land division committee

63. Except as provided in this Part, the provisions of *The Planning Act* apply to the Regional Corporation. Application of R.S.O. 1970, c. 349

PART VII

POLICE

64. In this Part, "Durham Police Board" means the Durham Regional Board of Commissioners of Police. Interpretation

65.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1973, a board of commissioners of police shall be constituted to be known as the Durham Regional Board of Commissioners of Police, which shall consist of, Durham Regional Board established R.S.O. 1970, c. 351

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of any county or district court designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Durham Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. Quorum

Remunera-
tion

R.S.O. 1970,
c. 351

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional
Corporation
deemed a
city under
R.S.O. 1970,
c. 351

66.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof;
- (b) *The Police Act* does not apply to any area municipality; and
- (c) the Durham Police Board and the members of the Durham Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Durham Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened.

Area
police force

67.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Durham Regional Police Force, and the provisions of subsection 4 of section 27 and section 28 apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

Durham
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Durham Regional Police Force on the 1st day of January, 1974, is subject to the government of the Durham Police Board to the same extent as if appointed by the Durham Police Board and the Durham Regional Police Association shall be entitled to make representations to such Board in respect of by-laws

and regulations for the government of the Durham Regional Police Force.

(3) Every person who becomes a member of the Durham Regional Police Force under subsection 1 shall, ^{Terms of employment}

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Durham Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Durham Police Board as he had standing in his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of fifteen miles from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973.

(4) Civilian employees and assistants of the Durham Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains the age of sixty-five years. ^{Civilians, retirement}

(5) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Durham Police Board in the manner and for the purposes provided in *The Police Act* and the Durham Police Board shall be the sole negotiating body to bargain with such committee. ^{Joint bargaining committee}
^{R.S.O. 1970, c. 351}

(6) The first meeting of the bargaining committee and the Durham Police Board shall be held not later than the 30th day of November, 1973. ^{Time of meeting}

Application
of R.S.O. 1970,
c. 284

(7) Section 239 of *The Municipal Act* applies *mutatis mutandis* to the Durham Police Board.

Assumption
of buildings

68.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Durham Police Board any such land or building that the Durham Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by
area municipi-
palities
limited

(2) No local municipality, between the 1st day of July, 1973, and the 1st day of January, 1974, shall without the consent of the Municipal Board, sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) Where the Regional Corporation fails to make any ^{Default} payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(7) Where a building vested in a local municipality ^{Accommodation} or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Durham Police Board, on or after the 1st day of January, 1974, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Durham Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

69.—(1) At the request of the Durham Police Board, ^{Office} each area municipality, for the use of the Durham Police ^{supplies, etc.,} transferred Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

70. In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to
be provided

71. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Durham Police Board.

PART VIII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

72.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Ontario and whose place of residence was on the 31st day of December, 1973, within the Regional Area, or the United Counties of Northumberland and Durham and whose place of residence was on the 31st day of December, 1973, within the Regional Area.

Existing
liabilities
transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974.

Proviso

73.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Payment of
principal and
interest to
area munici-
palities

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 89.

Hospital
costs form
part of
regional levy

74.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Durham Regional Board of Health.

Regional
Area to
be health
unit
R.S.O. 1970,
c. 377

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Dissolution
of health
units, etc.

75. The Minister of Health shall by order provide for the dissolution or reorganization of the health units serving the County of Ontario and the United Counties of Northumberland and Durham on the 31st day of December, 1973, and for the vesting of the assets and liabilities thereof.

Constitution
of health
board

76.—(1) On and after the 1st day of January, 1974, the Durham Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-
tion of
certain
members

(2) The members of the Durham Regional Board of Health appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses
of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Durham Regional Board of Health establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1970,
c. 377

Regional
Corporation
deemed city
under
R.S.O. 1970,
cc. 21, 270,
422, 490

77.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1970,
cc. 104, 192, 203

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

78.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability for homes for aged, R.S.O. 1970, c. 206

(2) The homes for the aged known as Lakeview Manor, in the Village of Beaverton, Fairview Lodge, in the Town of Whitby, and Hillsdale Manor, in the City of Oshawa, and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, subject to subsection 3, without compensation. Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to the City of Oshawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of such city in respect of the home known as Hillsdale Manor referred to in subsection 2. Existing debt

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

79.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality. Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

80. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the Regional Corporation shall be deemed to be a city for the purposes of such Act. Regional Corporation deemed municipality under R.S.O. 1970, c. 64

81. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1974, by any area municipality under section 88 of *The Child Welfare Act*, 1965, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

Liability
under order
made under
R.S.C. 1970,
c. J-3

82. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

83. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

84. In the event there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

85. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

86.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(2) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

Regional
Corporation
deemed
regional
municipality

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

- (a) for the purposes of any payment under that Act in the year 1974 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Ministry considers proper; and

- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 89 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*. R.S.O. 1970, c. 405

87. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Investment of moneys not immediately required
R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

88.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly estimates

(2) In preparing the estimates, the Regional Council shall, make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance to be made in estimates

(3) The amount by which any operating deficit existing for the County of Ontario on the 31st day of December, 1973, exceeds the total of such county's reserves on such date shall become a charge on the municipalities that levied rates for such county in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the Regional Corporation by the appropriate area municipality or municipalities, or municipality or municipalities within the County of Ontario, as it existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974. Operating deficit, County of Ontario

(4) The amount by which any operating deficit existing for the United Counties of Northumberland and Durham on the 31st day of December, 1973, exceeds the total of such counties' reserves on such date shall become a charge on the municipalities that levied rates for such counties in the same proportions as the last apportionment made for county purposes, and shall be paid in such proportions to the County Operating deficit, United Counties of Northumberland and Durham

of Northumberland by the appropriate area municipality or municipalities, or municipality or municipalities within the United Counties of Northumberland and Durham, as they existed on the 31st day of December, 1973, but not included in the Regional Area, not later than the 30th day of June, 1974.

Operating
surplus, etc.,
County of
Ontario

(5) Where an operating surplus exists for the County of Ontario on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such county's reserves on such date, such amount shall vest in the Regional Corporation and the Regional Corporation shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Township of Mara and the Township of Rama, to the County of Simcoe;
- (b) in respect of that part of the Township of Pickering which becomes part of the Borough of Scarborough, as determined in the proportion that the assessment of such part bears to the total assessment of the Township of Pickering, both according to the last revised assessment roll, to the Municipality of Metropolitan Toronto,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

Operating
surplus, etc.,
United
Counties of
Northumber-
land and
Durham

(6) Where an operating surplus exists for the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of such counties' reserves on such date, such amount shall vest in the County of Northumberland, and the County of Northumberland shall pay a sum determined by applying such amount on the basis of the last apportionment made for county purposes,

- (a) in respect of the Town of Bowmanville, the Village of Newcastle, the Township of Cartwright, the Township of Clarke and the Township of Darlington, to the Regional Corporation;
- (b) in respect of the Township of Manvers to the County of Victoria;
- (c) in respect of the Village of Millbrook, the Township of Cavan and the Township of South Monaghan to the County of Peterborough,

and the payments under this subsection shall be made not later than the 30th day of June, 1974.

(7) Where an operating surplus exists for the County of Ontario or the United Counties of Northumberland and Durham on the 31st day of December, 1973, or where an operating deficit exists on such date that does not exceed the total of the respective county's reserves on such date, a sum shall be determined equivalent to the aggregate of,

Surplus
contribution,
City of
Oshawa

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date; and
- (c) any amount payable to the Regional Corporation under subsection 6,

and such sum shall be paid by the City of Oshawa to the Regional Corporation not later than the 30th day of June, 1974.

(8) Notwithstanding subsection 2 in the year 1974, the Regional Council shall transfer to a reserve for working funds an amount equal to the aggregate of,

Reserve for
working
funds

- (a) the audited surplus of the County of Ontario together with the total of such county's reserves on such date; or
- (b) the total of such county's reserves less the audited deficit of the county on such date; and
- (c) any amount payable to the Regional Corporation under subsections 6 and 7.

(9) For the purposes of subsections 7 and 8, the audited surplus of the County of Ontario at the 31st day of December, 1973, shall be reduced by any payment made by the Regional Corporation under subsection 5.

Operating
surplus,
County of
Ontario

(10) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
cc. 32, 284

89.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on
area muni-
cipalities

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipality

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional

Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario or under subsection 6 of section 149 to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid R.S.O. 1970, c. 284 1971, c. 78 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. Valuation of properties

Levy by-laws (12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional levy R.S.O. 1970, c. 32 (13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment (14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default (15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

Equalization of assessment of merged areas **90.**—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice (2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas R.S.O. 1970, cc. 405, 284 (3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and

subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. R.S.O. 1970,
c. 32

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*. Determination of rates
R.S.O. 1970,
c. 405

91.—(1) Notwithstanding section 89, in the year 1974 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1973 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 89, and subsections 14 and 15 of section 89 apply to such levy. Levy by
Regional
Council
before
estimates
adopted

(2) Notwithstanding section 89, in 1975 and in subsequent years the Regional Council may, before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 14 and 15 of section 89 apply to such levy. Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 89. Levy under
s. 89
to be
reduced

(4) Notwithstanding section 90, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy by area
municipality
before
estimates
adopted

(5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 89. Levy under
s. 89
to be
reduced

(6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section. Application
of R.S.O. 1970,
c. 284, s. 303 (4)

Preliminary
assessment

(7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment based on the assessment of the local municipality used for taxation purposes in 1973, adjusted to reflect the boundaries of the area municipalities established under section 2, revised, equalized and weighted in accordance with subsections 4, 9 and 10 of section 89, and such preliminary assessment shall be deemed to be the revised, equalized and weighted assessment under subsection 5 of section 89.

Notice

(8) The Ministry of Revenue shall notify the Regional Corporation and each area municipality of the preliminary assessment, referred to in subsection 7, prior to the 31st day of January, 1974.

Rates under
R.S.O. 1970,
c. 430

92.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment

for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 1 of section 90.

Rates for secondary school purposes on residential assessment
R.S.O. 1970, c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

93. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

94.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1974
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1973.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1974, comprised part of a local municipality shall be an amount that is the same proportion of the audited

Idem

surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Adjustment
of payment
under
s. 88

(4) For the purpose of this section and section 95, the audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall be reduced or increased, as the case may be, by any payment made by a local municipality under subsections 3, 4 and 7 of section 88.

Interpre-
tation

R.S.O. 1970,
c. 284

95.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1973 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

Arbitration

96.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of Pickering, the County of Ontario and the United Counties of Northumberland and Durham.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974.

Final deter-
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the Regional Corporation and the municipalities or area municipalities directly concerned and to the Municipal Board and, unless the Regional

Corporation or the council of any such municipality or area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the Regional Corporation, the municipality or area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by the Regional Corporation and such municipalities or area municipalities.

R.S.O. 1970.
c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Idem

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents
and records

(8) The provisions of subsection 7 apply *mutatis mutandis* to the documents and records of the County of Ontario and the United Counties of Northumberland and Durham as between such counties and the Regional Corporation and any other counties directly concerned.

Idem

(9) Notwithstanding the provisions of sections 88 and 95 and this section, the Minister may by order prescribe the period over which any adjustments and settlements made thereunder are to be made.

Period of
adjustment

RESERVE FUNDS

97.— (1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend

Idem

funds are reserve funds of the area municipality of which the local municipality forms the whole or a part and the assets of such reserve funds are vested in such area municipality.

Reserve
funds, estab-
lishment

98.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Ministry.

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings
R.S.O. 1970,
c. 284

99.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

Idem

(2) In 1974, for the purpose of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt
R.S.O. 1970,
c. 323

100.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed ^{Liability} by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area ^{Limitation} municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, on or before the 31st ^{Uncompleted works} day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 103, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness ^{Bonds, debentures, etc., trustee investments} of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1970,
c. 470

101. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures ^{Power to incur debt or issue debentures} for the purposes set forth in subsection 1 of section 100 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area

Idem

102.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970,
c. 323Borrowing
pending
issue and
sale of
debentures

103.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see the application of the proceeds and, if the

debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 115 shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. Hypothecation not to prevent subsequent sale of debentures

104.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of debt levied against it under subsection 4. Levy by area municipalities

Instalment
debentures
and debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies a
debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of

in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debenture

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws
R.S.O. 1970, c. 284

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assess-

ments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount ^{Principal Levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking ^{Consolidated bank accounts} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under
The Trustee Act; R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of
Securities
with
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee. Release of
Securities
by Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking
fund
accounts

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings
credited to
sinking fund
account

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause a by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause a.

Sinking
fund require-
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account more
than suffi-
cient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of the area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42. Deficit and surplus

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. Term debentures

(45) In respect of the term debentures, the by-law shall provide for raising, Amounts to be raised annually

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 25 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. Retirement fund

When rate
of interest
may be
varied

105.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 103 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of
by-law when
part only
of money to
be raised

106.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect

any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

107.—(1) Subject to section 106, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application of payments

108. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

109.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act*, or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1970,
cc. 323, 136, 255

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 102, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 104 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,
how sealed
and executed

110.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures

or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

111. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

112.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture

Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such a book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as the owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Debenture
registered as
to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement
of lost
debentures

113. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of
debentures

114.—(1) On request of the holder of any debentures issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Idem

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same
force and
effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in

the Debenture Registry Book particulars of any new debenture issued in exchange.

115.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

116. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied

Application
of proceeds of
debentures

Idem

Surplus

Deficiency

Use of
proceeds of
sale of
asset
acquired
from
proceeds of
sale of
debentures

as an excess in accordance with subsection 3 of section 115 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for
debentures

117. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,
how to be
kept

118.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

- (i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

119. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

120.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. ^{Liability of members}

(2) If the Regional Council, upon the request in writing of a ratepayer of an area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. ^{Action by ratepayer}

(3) The members who vote for such application are disqualified from holding any municipal office for two years. ^{Disqualification}

121. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, ^{Refinancing of debentures}

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

ASSETS

122. In the year 1973, no local municipality in the Regional Area shall, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. ^{Disposal of assets}

PART X

GENERAL

Application
of R.S.O. 1970,
c. 284

123.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections
annexations
and amal-
gamations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 2 of section 36 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
municipality
for
R.S.O. 1970,
c. 250, s. 88

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality.

Idem

(8) Where any local municipality has commenced procedures to enact a by-law which prior to its enactment, requires the approval of any minister of the Crown, any

provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, then the council of the successor area municipality to such local municipality shall be entitled to continue the procedure to finalize such by-law of the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection 4, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

124.—(1) The Regional Council may pass by-laws,

Emergency
measures,
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses ii and iii of clause b of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause a of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments

and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1970,
c. W 2;
R.S.O. 1970,
c. 45

Deemed
county for
R.S.O. 1970,
c. 145

(3) For the purposes of *The Emergency Measures Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Expenditures
for diffusing
information

125.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for such purposes.

Industrial
sites;
industries
department
R.S.O. 1970,
c. 284

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973.

Grants to
persons
engaged
in work
advan-
tageous to
Regional
Area

126. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89, to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the Regional Council are for

the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

127. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Durham Regional Police Force, or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees

R.S.O. 1970, c. 505

128.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

1971, c. 49

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

(4) The judge may engage counsel and other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

Commission
of inquiry

129.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of *The Public Inquiries Act, 1971*.

1971, c. 49

When com-
mission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on
highways,
etc.

130. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

131. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Assessment
Act, 1961
s. 35

132.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipal-
ities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

133.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Execution
against
Regional
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs, The Regional Municipality of Durham

(adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collector
and assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties
dissolved

134.—(1) The County of Durham and the Corporation of the County of Ontario and the Corporation of the United Counties of Northumberland and Durham are dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Ontario and the United Counties of Northumberland and Durham in any agreements to which such county, or united counties, was, on the 31st day of December, 1973, a party, in so far as they pertain to the Regional Area.

Idem

(2) With respect to agreements to which the County of Ontario, or the United Counties of Northumberland and Durham was a party, on the 31st day of December, 1973, the committee of arbitrators appointed under section 96 shall, where necessary, determine the successor to such county or successors to such united counties for the purpose of such agreements in so far as they do not pertain to the Regional Area.

Annexations

(3) On the 1st day of January, 1974,

- (a) the townships of Rama and Mara are annexed to the County of Simcoe;
- (b) the Township of Manvers is annexed to the County of Victoria;

(c) the townships of Cavan and South Monaghan and the Village of Millbrook are annexed to the County of Peterborough; and

(d) the Township of Hope and the Town of Port Hope are annexed to the County of Northumberland.

(4) For the purposes of every Act, the annexations provided for by subsection 3 shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of January, 1974, pursuant to applications made under section 14 of *The Municipal Act*, and, subject to the provisions of this Act, the Municipal Board, upon the application of any county or local municipality or local board thereof affected by the annexations or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Annexations
deemed by
orders of
O.M.B.

R.S.O. 1970,
cc. 323, 284

135.—(1) All the assets and liabilities excepting reserves, surpluses or deficits of the County of Ontario and the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Ontario and of the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, shall be transferred to the clerk of the Regional Corporation.

Assets and
liabilities,
etc.

(2) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Ontario and the United Counties of Northumberland and Durham.

Powers of
Municipal
Board

(3) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed or vested in the Regional Corporation, the Municipal Board upon application may determine the matter and its decision is final.

Idem

Conditional
powers

136. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict
with other
Acts

137.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Ontario or a local board thereof or to the United Counties of Northumberland and Durham or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

138.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O. 1970,
c. 284, s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpre-
tation

139.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

(3) For the purposes of subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. ^{Waste disposal sites}

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3. ^{Payments of principal and interest to area municipalities}

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. ^{O.M.B. to arbitrate}

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. ^{Application of R.S.O. 1970, c. 284, s. 354}

140. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. ^{Agreement successor rights}

141. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establish- ^{Regional Fire Co-ordinator}

ment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed
limits
continued

R.S.O. 1970,
c. 202

142.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 82 applies thereto.

Application
of R.S.O. 1970,
c. 354, s. 108

143.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Boards of
Trustees
of Police
Villages of
Orono and
Sunderland
to be Hydro-
Electric
Commissions

(4) The Board of Trustees of the Police Village of Orono and the Board of Trustees of the Police Village of Sunderland,

as they exist on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be commissions established under Part III of *The Public Utilities Act* for the areas of their respective said police villages and be respectively known as the Hydro-Electric Commission of Orono and the Hydro-Electric Commission of Sunderland.

R.S.O. 1970,
c. 390

(5) All the assets and liabilities of and pertaining to the hydro-electric systems of the Police Village of Orono and the Police Village of Sunderland shall be assumed on the 1st day of January, 1974, in respect of the Police Village of Orono, by the Hydro-Electric Commission of Orono, which Commission shall be deemed to be a local board of the area municipality of the Town of Newcastle, and in respect of the Police Village of Sunderland, by the Hydro-Electric Commission of Sunderland, which Commission shall be deemed to be a local board of the area municipality of the Township of Brock.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of
commission
not
disqualified
as members
of council

144.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Durham, except the area municipality of the Town of Newcastle, is a school division and The Ontario County Board of Education is continued, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, as the divisional board of education for The Regional Municipality of Durham, except the area municipality of the Town of Newcastle.

Regional
Municipality
school
division

R.S.O. 1970,
c. 425

(2) Subject to subsection 3, on the 1st day of January, 1974, all real and personal property in the Regional Area except the area municipality of the Town of Newcastle that, on the 31st day of December, 1973, was vested in The Northumberland and Durham County Board of Education is vested in the divisional board for the portion of the Regional Area referred to in subsection 1, and all debts, contracts, agreements and liabilities for which The Northumberland and Durham County Board of Education

Vesting of
property

was liable in respect of such real and personal property become obligations of the divisional board for such portion of the Regional Area.

Adjustment
of assets
and
liabilities

(3) The divisional board for the portion of the Regional Area referred to in subsection 1 and The Northumberland County Board of Education referred to in section 145 shall adjust in an equitable manner as may be agreed upon, the assets and the liabilities as at the 31st day of December, 1973, in respect of such real and personal property referred to in subsection 2, except lands and premises used as schools on such 31st day of December and the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every employee who, immediately before the 1st day of January, 1974, was employed by The Northumberland and Durham County Board of Education to provide services in a school that on and after the 1st day of January, 1974, is included in the Regional Area except the area municipality of the Town of Newcastle shall be deemed to have been made with the divisional board for the portion of the Regional Area referred to in subsection 1.

Northumber-
land and
Durham
County
Board of
Education
continued
R.S.O. 1970,
c. 425

145.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Northumberland and Durham County Board of Education is continued and shall, subject to subsection 5 of section 29 of *The Secondary Schools and Boards of Education Act*, be known as The Northumberland County Board of Education and shall have jurisdiction for school purposes in the County of Northumberland and in the area municipality of the Town of Newcastle.

Board
members
continue
in office

(2) The members of The Northumberland and Durham County Board of Education who hold office on the 31st day of December, 1973, and who represent public school supporters or separate school supporters who, on and after the 1st day of January, 1974, are resident in the area municipality of the Town of Newcastle or in any of the municipalities that on and after the 1st day of January, 1974, are within the County of Northumberland continue to hold office as members of The Northumberland County Board of Education during the year 1974.

Ontario
County
Roman
Catholic
Separate
School
Board
continued
R.S.O. 1970,
c. 430

146.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Ontario County Roman Catholic Separate School Board is continued, subject to subsection 4 of section 85 of *The Separate Schools*

Act, as a county combined separate school board for the Regional Area except the area municipality of the Town of Newcastle.

(2) Notwithstanding the provisions of any other Act, ^{Idem} on and after the 1st day of January, 1974, The Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board is continued and shall be known, subject to subsection 2 of section 85 of *The Separate Schools Act*, as The Northumberland-Peterborough-Victoria County Roman Catholic Separate School Board and shall have jurisdiction in the Counties of Northumberland, Peterborough, and Victoria and in the area municipality of the Town of Newcastle. ^{R.S.O. 1970, c. 430}

147. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Ontario County Board of Education, and section 90 of *The Separate Schools Act* applies to the election of the trustees of The Ontario County Roman Catholic Separate School Board, except that notwithstanding *The Municipal Elections Act, 1972*, in the year 1973, ^{Elections for educational purposes R.S.O. 1970, c. 425, 430, 1972, c. 95}

- (a) the polling day for the members of The Ontario County Board of Education and the trustees of The Ontario County Roman Catholic Separate School Board shall be the 1st day of October and the hours of polling shall be the same as for the municipal elections in the Regional Area, and the members and trustees elected on such date shall take office on the 1st day of January, 1974, and continue in office until the 31st day of December, 1976;
- (b) the Minister shall, by order, provide for the nomination of candidates for The Ontario County Board of Education and for The Ontario County Roman Catholic Separate School Board and may, by order, provide for any other matters necessary to hold the election for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the expenses of the local municipalities for such elections shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

148.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park ^{Boards, etc., dissolved}

management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 96 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council deemed recreation committee, etc.

R.S.O. 1970, cc. 120, 73

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Acquiring land for parks, etc.

R.S.O. 1970, c. 384

149.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Sale of spirituous, etc., liquors in parks

R.S.O. 1970, c. 250

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of R.S.O. 1970, c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional Corporation a municipality under R.S.O. 1970, c. 337

Park lands owned by conservation authority

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*,

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. Payment in lieu of taxes

(7) The Regional Council shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Regional Council deemed community centre board, etc. R.S.O. 1970, cc. 120, 73

150. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1973. R.S.O. 1970, c. 284, s. 244 not to apply

151. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. Public library boards R.S.O. 1970, c. 381

152. The Council of the City of Oshawa may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. Power of cities in Regional Area to pass by-laws R.S.O. 1970, c. 284

153.—(1) The Oshawa Suburban Roads Commission is hereby dissolved on the 1st day of January, 1974. Roads commission dissolved

(2) All the assets and liabilities of the roads commission referred to in subsection 1 become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the clerk. Assets and liabilities

154.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the Regional Corporation and the costs incurred before the 1st day of July, 1974, in respect of its change of name, by a school board that has jurisdiction in part of the Regional Area. Organization expenses, etc.

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct. Idem

Commence-
ment

155.—(1) This Act, except Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII, sections 86 to 95 and 97 to 121 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts IV and V and sections 72 to 74 and 76 to 85 of Part VIII and sections 86 to 95 and 97 to 121 of Part IX come into force on the 1st day of January, 1974.

Short title

156. This Act may be cited as *The Regional Municipality of Durham Act, 1973*.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,.....
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Durham declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to establish
The Regional Municipality of Durham

1st Reading

June 13th, 1973

2nd Reading

June 20th, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

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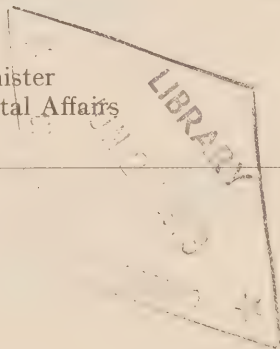
BILL 163

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to incorporate the Town of Wasaga Beach

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the erection of the Village of Wasaga Beach into a town and provides for the annexation thereto of portions of the townships of Flos, Nottawasaga and Sunnidale to form, on the 1st day of January, 1974, a town municipality bearing the name of The Town of Wasaga Beach.

BILL 163

1973

An Act to incorporate the Town of Wasaga Beach

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Town" means the municipality or corporation of the Town of Wasaga Beach, as constituted by section 2;
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2.—(1) On the 1st day of January, 1974, The Corporation of the Village of Wasaga Beach is erected into a town municipality bearing the name "The Corporation of the Town of Wasaga Beach" and the portions of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale described in the Schedule hereto are annexed to such town.

Incor-
poration
of Town

(2) The members of the council and of the Hydro Electric Commission of The Corporation of the Village of Wasaga Beach shall cease to hold office at the end of the year 1973.

Termination
of office of
present
council
members,
etc.

3.—(1) The council of the Town shall be composed of a mayor, a reeve, a deputy reeve and four councillors to be elected by general vote.

Council
composition

(2) Notwithstanding *The Municipal Elections Act, 1972*, the first council of the Town shall hold office until the 1st day of January, 1977, and each succeeding council shall hold office for a two-year term.

Term of
office
1972, c. 95

First
election

(3) The Minister by order shall provide for the holding of elections in the year 1973 for members of the council of the Town and for members of the Hydro Electric Commission including polling day, which shall be the 1st day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Organization
committee
in 1973

(4) The members of the council of the Town elected in the year 1973 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

First
election
expenses

(5) The cost of the elections referred to in subsection 3 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Hydro
Electric
Commission
continued

4.—(1) The Hydro Electric Commission of the Village of Wasaga Beach shall continue after the year 1973 as the Hydro Electric Commission of the Town of Wasaga Beach and shall consist of three members of whom the mayor shall be one *ex officio*, with the other two members to be elected at the same time and place and in the same manner as the mayor.

Term of
office
1972, c. 95

(2) Notwithstanding *The Municipal Elections Act, 1972*, the members elected to the Commission in the year 1973 shall hold office until the 1st day of January, 1977, and thereafter members of the Commission shall hold office for a two-year term.

Commission
members to
be elected
by general
vote
R.S.O. 1970,
c. 390

(3) Notwithstanding *The Public Utilities Act*, the two members to be elected to the Commission shall be elected by general vote of the electors of the Town.

No utility
commission
to be
established

5. The council of the Town shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

Dissolution
of com-
munity hall
board by
Minister

6. The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Community Hall Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Wasaga
Beach
Planning
Area

7.—(1) Commencing on the 1st day of January, 1974, the Wasaga Beach Planning Area shall consist of the Town as constituted by section 2 and the official plan in effect in the Village of Wasaga Beach shall continue in effect but may be amended or repealed by the council of the Town under *The Planning Act*.

R.S.O. 1970,
c. 349

(2) The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Planning Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be the planning board.

Dissolution
of Planning
Board by
Minister

8. In sections 9 and 11,

Interpre-
tation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,
R.S.O. 1970,
c. 32

according to the last revised assessment roll ;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

9.—(1) The council of the Town shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Rates

R.S.O. 1970,
c. 284

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the Town that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Equali-
zation of
assessment

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the Town of the revised and equalized assessment of each merged area.

Notification

Levy on
commercial
assessment

(4) The amount to be raised by the Town in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment

R.S.O. 1970,
c. 293

(5) The amount to be raised by the Town in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the Town under section 7 of *The Municipal Unconditional Grants Act*.

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the Town in the following manner:

1. The amount, as ascertained in accordance with subsection 4, to be raised by the Town in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.
2. The amount, as ascertained in accordance with subsection 5, to be raised by the Town in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
commercial
assessment in
merged areas

(7) The council of the Town shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
residential
assessment in
merged areas

(8) The council of the Town shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) For the purpose of determining the apportionment of county rates in 1974, the County of Simcoe shall use the assessment as revised and equalized under subsection 2.

10.—(1) Notwithstanding section 9, the council of the Town may, in the year 1974 by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the Town, before the adoption of the estimates, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(2) The amount of levy under subsection 1 shall be deducted from the amount of the levy made under section 9.

(3) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

11.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the Town shall be deemed to be municipalities, and the council of the Town shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by the Town for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(3) The amount required to be levied and collected by the Town for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

(4) The amount required to be levied and collected by the Town for secondary school purposes on commercial assessment

R.S.O. 1970,
c. 424

ment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by the Town for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Regulations
under R.S.O.
1970, c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Transitional
adjustments

12. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Town shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made in
estimates of
Town in 1974
R.S.O. 1970,
c. 284

13. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the Town for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the Town.

Interpre-
tation

14.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1973, to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of each of the merged areas at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

15. All the assets and liabilities of the Village of Wasaga Beach become assets and liabilities of the Town on the 1st day of January, 1974, without compensation. Assets and liabilities vested in Town

16.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974. Provisional determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned and to the Ontario Municipal Board and unless the council of any such municipality notifies the Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities. Idem R.S.O. 1970, c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such determination. Idem

(7) The Minister may by order prescribe the period over which any adjustments and settlements are to be made. Period of adjustment

17. For the purposes of every Act, the annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal Annexations deemed by Municipal Board Orders R.S.O. 1970, cc. 323, 284

under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon application of the Town or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the Town.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Town of Wasaga Beach Act, 1973*.

SCHEDULE

Part of the Township of Flos, commencing at a point on the west boundary of the Township of Flos where it is intersected by the westerly prolongation of the centre line of the road allowance between concessions V and VI of the said Township of Flos;

THENCE easterly to and along the centre line of the said road allowance between concessions V and VI to the intersection of the southerly prolongation of the line between lots 23 and 24 in Concession VI of the Township of Flos;

THENCE northerly to and along the line between lots 23 and 24 in concessions VI and VII and the northerly prolongation thereof to the centre line of the road allowance between concessions VII and VIII in the Township of Flos;

THENCE easterly along the centre line of the said road allowance to the southerly prolongation of the line between lots 21 and 22 in Concession VIII;

THENCE northerly to and along the line between lots 21 and 22 in concessions VIII and IX to the line between the north and south halves of Lot 21 in Concession IX of the said Township of Flos;

THENCE easterly along the line between the north and south halves of Lot 21 in Concession IX and the easterly prolongation thereof to the centre line of the road allowance between lots 20 and 21 in Concession IX of the Township of Flos;

THENCE northerly along the said centre line of the road allowance between lots 20 and 21 to the intersection of the centre line of the road allowance between concessions IX and X;

THENCE easterly along the said centre line of the road allowance to the southerly prolongation of the line between lots 19 and 20 in Concession X of the Township of Flos;

THENCE northerly to and along the line between lots 19 and 20 in concessions X and XI and the northerly prolongation thereof to the northerly boundary of the Township of Flos;

THENCE westerly along the north boundary of the Township of Flos to the high water mark of Nottawasaga Bay;

THENCE continuing westerly along the prolongation of the north boundary of the Township of Flos in accordance with subsection 1 of section 11 of the *Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the northerly prolongation of the westerly boundary of the said Township of Flos;

THENCE southerly along the northerly prolongation of the west boundary of the Township of Flos to a point on the high water mark of Nottawasaga Bay, the said point being on the northwest boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Flos and the Village of Wasaga Beach to the said west boundary of the Township of Flos;

THENCE southerly along the west boundary of the said Township of Flos to the point of commencement.

Part of the Township of Nottawasaga, commencing at a point in the east boundary of the Township of Nottawasaga where it is intersected by the easterly prolongation of the limit between lots 31 and 32 in Concession I of the said Township of Nottawasaga;

THENCE westerly to and along the limit between lots 31 and 32 in concessions I and II and the westerly prolongation thereof to the centre line of the road allowance between concessions II and III of the Township of Nottawasaga;

THENCE northerly along the said centre line of the road allowance between concessions II and III to the easterly prolongation of the southerly limit of Lot 33 in Concession III;

THENCE westerly to and along the south limit of the said Lot 33 to the southwest angle thereof;

THENCE northerly along the westerly limit of lots 33, 34 and 35 in Concession III to the high water mark of Nottawasaga Bay;

THENCE northerly along the prolongation of the said west limit of Lot 35, an approximate distance of 10.7 miles, to the middle of Nottawasaga Bay in accordance with the said subsection 1 of section 11 of the *Territorial Division Act*;

THENCE southeasterly along the middle of the Nottawasaga Bay to the intersection of the northerly prolongation of the east boundary of the Township of Nottawasaga in accordance with the said *Territorial Division Act*;

THENCE southerly along the prolongation of the east boundary of the Township of Nottawasaga, an approximate distance of 9 miles to the high water mark of Nottawasaga Bay;

THENCE southerly along the east boundary of the Township of Nottawasaga to the point of commencement.

Part of the Township of Sunnidale, commencing at a point in the westerly boundary of the Township of Sunnidale where it is intersected by the westerly prolongation of the north limit of lands of Donald McNabb as described in Registered Instrument Number 114859;

THENCE easterly to and along the northerly limit of the lands of Donald McNabb to the line between lots 1 and 2 in Concession XIV of the Township of Sunnidale;

THENCE southerly along the said line between lots 1 and 2 to the northwest angle of the lands of Ralph Morgan as described in Registered Instrument Number 13739 (Sunnidale);

THENCE easterly along the north limit of the last mentioned lands 1497.57 feet to the northeast angle thereof;

THENCE southerly along the east limit of the last mentioned Instrument Number 13739 a distance of 1118.03 feet to a point measured northerly 1180 feet more or less from the south limit of Lot 2 in Concession XIV of the Township of Sunnidale;

THENCE easterly along the north limit of the lands of Mabel Morgan as described in Registered Instrument Number 87847 a distance of 2289.21 feet to the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road and its prolongation to the centre line of the road allowance between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the centre line of the road allowance between concessions XIII and XIV and its easterly prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the said Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the said Township of Sunnidale to the point of commencement;

Part of the Township of Sunnidale, commencing at the northwest angle of the Village of Wasaga Beach;

THENCE northerly along the prolongation of the boundary between the townships of Sunnidale and Nottawasaga, in accordance with the said *Territorial Division Act*, an approximate distance of 9 miles to the middle of Nottawasaga Bay;

THENCE southeasterly, in a straight line, to the northwest angle of the Township of Flos;

THENCE southerly along the prolongation of the boundary between the townships of Sunnidale and Flos to the north boundary of the Village of Wasaga Beach, being the high water mark of Nottawasaga Bay;

THENCE westerly along the said Village boundary to the point of commencement.

An Act to incorporate the
Town of Wasaga Beach

1st Reading

June 13th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

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-B 56

BILL 163

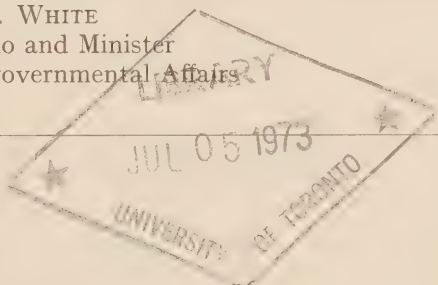
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

C. 163
F. 163

An Act to incorporate the Town of Wasaga Beach

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the erection of the Village of Wasaga Beach into a town and provides for the annexation thereto of portions of the townships of Flos, Nottawasaga and Sunnidale to form, on the 1st day of January, 1974, a town municipality bearing the name of The Town of Wasaga Beach.

An Act to incorporate the Town of Wasaga Beach

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
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- (a) "Town" means the municipality or corporation of the Town of Wasaga Beach, as constituted by section 2;
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2.—(1) On the 1st day of January, 1974, The Corporation of the Village of Wasaga Beach is erected into a town municipality bearing the name "The Corporation of the Town of Wasaga Beach" and the portions of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale described in the Schedule hereto are annexed to such town.

Incor-
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of Town

(2) The members of the council and of the Hydro Electric Commission of The Corporation of the Village of Wasaga Beach shall cease to hold office at the end of the year 1973.

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of office of
present
council
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etc.

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composition

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Term of
office
1972, c. 95

First
election

(3) The Minister by order shall provide for the holding of elections in the year 1973 for members of the council of the Town and for members of the Hydro Electric Commission including polling day, which shall be the 1st day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

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committee
in 1973

(4) The members of the council of the Town elected in the year 1973 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

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(5) The cost of the elections referred to in subsection 3 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Hydro
Electric
Commission
continued

4.—(1) The Hydro Electric Commission of the Village of Wasaga Beach shall continue after the year 1973 as the Hydro Electric Commission of the Town of Wasaga Beach and shall consist of three members of whom the mayor shall be one *ex officio*, with the other two members to be elected at the same time and place and in the same manner as the mayor.

Term of
office
1972, c. 95

(2) Notwithstanding *The Municipal Elections Act, 1972*, the members elected to the Commission in the year 1973 shall hold office until the 1st day of January, 1977, and thereafter members of the Commission shall hold office for a two-year term.

Commission
members to
be elected
by general
vote
R.S.O. 1970,
c. 390

(3) Notwithstanding *The Public Utilities Act*, the two members to be elected to the Commission shall be elected by general vote of the electors of the Town.

No utility
commission
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established

5. The council of the Town shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

Dissolution
of com-
munity hall
board by
Minister

6. The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Community Hall Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
c. 120, 73

Wasaga
Beach
Planning
Area

7.—(1) Commencing on the 1st day of January, 1974, the Wasaga Beach Planning Area shall consist of the Town as constituted by section 2.

(2) The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Planning Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be the planning board.

Dissolution
of Planning
Board by
Minister

8. In sections 9 and 11,

Interpre-
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(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*, R.S.O. 1970, c. 32

according to the last revised assessment roll;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

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Rates

R.S.O. 1970,
c. 284

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the Town that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Equali-
zation of
assessment

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the Town of the revised and equalized assessment of each merged area.

Notification

Levy on
commercial
assessment

(4) The amount to be raised by the Town in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment

R.S.O. 1970,
c. 293

(5) The amount to be raised by the Town in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the Town under section 7 of *The Municipal Unconditional Grants Act*.

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the Town in the following manner:

1. The amount, as ascertained in accordance with subsection 4, to be raised by the Town in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.
2. The amount, as ascertained in accordance with subsection 5, to be raised by the Town in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
commercial
assessment in
merged areas

(7) The council of the Town shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
residential
assessment in
merged areas

(8) The council of the Town shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) For the purpose of determining the apportionment of county rates in 1974, the County of Simcoe shall use the assessment as revised and equalized under subsection 2.

Apportionment of county rates

10.—(1) Notwithstanding section 9, the council of the Town may, in the year 1974 by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the Town, before the adoption of the estimates, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy before estimates adopted

(2) The amount of levy under subsection 1 shall be deducted from the amount of the levy made under section 9.

Levy under section 9 to be reduced

(3) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

Application of R.S.O. 1970, c. 284, s. 303, subs. 4

11.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the Town shall be deemed to be municipalities, and the council of the Town shall be deemed to be the council of each such merged area.

Rates under R.S.O. 1970, c. 430

(2) The amount required to be levied and collected by the Town for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for public school purposes on commercial assessment R.S.O. 1970, c. 424

(3) The amount required to be levied and collected by the Town for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by the Town for secondary school purposes on commercial assessment

Rates for secondary school purposes on commercial assessment

R.S.O. 1970,
c. 424

ment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by the Town for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Regulations
under R.S.O.
1970, c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Transitional
adjustments

12. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Town shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made in
estimates of
Town in 1974
R.S.O. 1970,
c. 284

13. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the Town for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the Town.

Interpre-
tation

14.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1973, to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of each of the merged areas at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

15. All the assets and liabilities of the Village of Wasaga Beach become assets and liabilities of the Town on the 1st day of January, 1974, without compensation. Assets and liabilities vested in Town

16.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974. Provisional determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned and to the Ontario Municipal Board and unless the council of any such municipality notifies the Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities. Idem R.S.O. 1970, c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such determination. Idem

(7) The Minister may by order prescribe the period over which any adjustments and settlements are to be made. Period of adjustment

17. For the purposes of every Act, the annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal Annexations deemed by Municipal Board Orders R.S.O. 1970, cc. 323, 284

under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon application of the Town or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the Town.

Commence-
ment **18.** This Act comes into force on the day it receives Royal Assent.

Short title **19.** This Act may be cited as *The Town of Wasaga Beach Act, 1973*.

SCHEDULE

Part of the Township of Flos, commencing at a point on the west boundary of the Township of Flos where it is intersected by the westerly prolongation of the centre line of the road allowance between concessions V and VI of the said Township of Flos;

THENCE easterly to and along the centre line of the said road allowance between concessions V and VI to the intersection of the southerly prolongation of the line between lots 23 and 24 in Concession VI of the Township of Flos;

THENCE northerly to and along the line between lots 23 and 24 in concessions VI and VII and the northerly prolongation thereof to the centre line of the road allowance between concessions VII and VIII in the Township of Flos;

THENCE easterly along the centre line of the said road allowance to the southerly prolongation of the line between lots 21 and 22 in Concession VIII;

THENCE northerly to and along the line between lots 21 and 22 in concessions VIII and IX to the line between the north and south halves of Lot 21 in Concession IX of the said Township of Flos;

THENCE easterly along the line between the north and south halves of Lot 21 in Concession IX and the easterly prolongation thereof to the centre line of the road allowance between lots 20 and 21 in Concession IX of the Township of Flos;

THENCE northerly along the said centre line of the road allowance between lots 20 and 21 to the intersection of the centre line of the road allowance between concessions IX and X;

THENCE easterly along the said centre line of the road allowance to the southerly prolongation of the line between lots 19 and 20 in Concession X of the Township of Flos;

THENCE northerly to and along the line between lots 19 and 20 in concessions X and XI and the northerly prolongation thereof to the northerly boundary of the Township of Flos;

THENCE westerly along the north boundary of the Township of Flos to the high water mark of Nottawasaga Bay;

THENCE continuing westerly along the prolongation of the north boundary of the Township of Flos in accordance with subsection 1 of section 11 of the *Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the northerly prolongation of the westerly boundary of the said Township of Flos;

THENCE southerly along the northerly prolongation of the west boundary of the Township of Flos to a point on the high water mark of Nottawasaga Bay, the said point being on the northwest boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Flos and the Village of Wasaga Beach to the said west boundary of the Township of Flos;

THENCE southerly along the west boundary of the said Township of Flos to the point of commencement.

Part of the Township of Nottawasaga, commencing at a point in the east boundary of the Township of Nottawasaga where it is intersected by the easterly prolongation of the limit between lots 31 and 32 in Concession I of the said Township of Nottawasaga;

THENCE westerly to and along the limit between lots 31 and 32 in concessions I and II and the westerly prolongation thereof to the centre line of the road allowance between concessions II and III of the Township of Nottawasaga;

THENCE northerly along the said centre line of the road allowance between concessions II and III to the easterly prolongation of the southerly limit of Lot 33 in Concession III;

THENCE westerly to and along the south limit of the said Lot 33 to the southwest angle thereof;

THENCE northerly along the westerly limit of lots 33, 34 and 35 in Concession III to the high water mark of Nottawasaga Bay;

THENCE northerly along the prolongation of the said west limit of Lot 35, an approximate distance of 10.7 miles, to the middle of Nottawasaga Bay in accordance with the said subsection 1 of section 11 of the *Territorial Division Act*;

THENCE southeasterly along the middle of the Nottawasaga Bay to the intersection of the northerly prolongation of the east boundary of the Township of Nottawasaga in accordance with the said *Territorial Division Act*;

THENCE southerly along the prolongation of the east boundary of the Township of Nottawasaga, an approximate distance of 9 miles to the high water mark of Nottawasaga Bay;

THENCE southerly along the east boundary of the Township of Nottawasaga to the point of commencement.

Part of the Township of Sunnidale, commencing at a point in the westerly boundary of the Township of Sunnidale where it is intersected by the westerly prolongation of the north limit of lands of Donald McNabb as described in Registered Instrument Number 114859;

THENCE easterly to and along the northerly limit of the lands of Donald McNabb to the line between lots 1 and 2 in Concession XIV of the Township of Sunnidale;

THENCE southerly along the said line between lots 1 and 2 to the northwest angle of the lands of Ralph Morgan as described in Registered Instrument Number 13739 (Sunnidale);

THENCE easterly along the north limit of the last mentioned lands 1497.57 feet to the northeast angle thereof;

THENCE southerly along the east limit of the last mentioned Instrument Number 13739 a distance of 1118.03 feet to a point measured northerly 1180 feet more or less from the south limit of Lot 2 in Concession XIV of the Township of Sunnidale;

THENCE easterly along the north limit of the lands of Mabel Morgan as described in Registered Instrument Number 87847 a distance of 2289.21 feet to the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road and its prolongation to the centre line of the road allowance between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the centre line of the road allowance between concessions XIII and XIV and its easterly prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the said Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the said Township of Sunnidale to the point of commencement;

Part of the Township of Sunnidale, commencing at the northwest angle of the Village of Wasaga Beach;

THENCE northerly along the prolongation of the boundary between the townships of Sunnidale and Nottawasaga, in accordance with the said *Territorial Division Act*, an approximate distance of 9 miles to the middle of Nottawasaga Bay;

THENCE southeasterly, in a straight line, to the northwest angle of the Township of Flos;

THENCE southerly along the prolongation of the boundary between the townships of Sunnidale and Flos to the north boundary of the Village of Wasaga Beach, being the high water mark of Nottawasaga Bay;

THENCE westerly along the said Village boundary to the point of commencement.

An Act to incorporate the
Town of Wasaga Beach

1st Reading

June 13th, 1973

2nd Reading

June 19th, 1973

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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-B 56

BILL 163

Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to incorporate the Town of Wasaga Beach

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



BILL 163

1973

An Act to incorporate the Town of Wasaga Beach

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Town" means the municipality or corporation of the Town of Wasaga Beach, as constituted by section 2;
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2.—(1) On the 1st day of January, 1974, The Corporation of the Village of Wasaga Beach is erected into a town municipality bearing the name "The Corporation of the Town of Wasaga Beach" and the portions of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale described in the Schedule hereto are annexed to such town.

Incor-
poration
of Town

(2) The members of the council and of the Hydro Electric Commission of The Corporation of the Village of Wasaga Beach shall cease to hold office at the end of the year 1973.

Termination
of office of
present
council
members,
etc.

3.—(1) The council of the Town shall be composed of a mayor, a reeve, a deputy reeve and four councillors to be elected by general vote.

Council
composition

(2) Notwithstanding *The Municipal Elections Act, 1972*, the first council of the Town shall hold office until the 1st day of January, 1977, and each succeeding council shall hold office for a two-year term.

Term of
office
1972, c. 95

First
election

(3) The Minister by order shall provide for the holding of elections in the year 1973 for members of the council of the Town and for members of the Hydro Electric Commission including polling day, which shall be the 1st day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Organization
committee
in 1973

(4) The members of the council of the Town elected in the year 1973 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

First
election
expenses

(5) The cost of the elections referred to in subsection 3 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Hydro
Electric
Commission
continued

4.—(1) The Hydro Electric Commission of the Village of Wasaga Beach shall continue after the year 1973 as the Hydro Electric Commission of the Town of Wasaga Beach and shall consist of three members of whom the mayor shall be one *ex officio*, with the other two members to be elected at the same time and place and in the same manner as the mayor.

Term of
office
1972, c. 95

(2) Notwithstanding *The Municipal Elections Act, 1972*, the members elected to the Commission in the year 1973 shall hold office until the 1st day of January, 1977, and thereafter members of the Commission shall hold office for a two-year term.

Commission
members to
be elected
by general
vote
R.S.O. 1970,
c. 390

(3) Notwithstanding *The Public Utilities Act*, the two members to be elected to the Commission shall be elected by general vote of the electors of the Town.

No utility
commission
to be
established

5. The council of the Town shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

Dissolution
of com-
munity hall
board by
Minister

6. The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Community Hall Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Wasaga
Beach
Planning
Area

7.—(1) Commencing on the 1st day of January, 1974, the Wasaga Beach Planning Area shall consist of the Town as constituted by section 2.

(2) The Minister may by order, on the request of the Town, dissolve the Wasaga Beach Planning Board and transfer the assets and liabilities of the board to the Town and may deem the council of the Town to be the planning board.

Dissolution
of Planning
Board by
Minister

8. In sections 9 and 11,

Interpre-
tation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,
R.S.O. 1970,
c. 32

according to the last revised assessment roll ;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

9.—(1) The council of the Town shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Rates

R.S.O. 1970,
c. 284

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the Town that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Equali-
zation of
assessment

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the Town of the revised and equalized assessment of each merged area.

Notification

Levy on
commercial
assessment

(4) The amount to be raised by the Town in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment
R.S.O. 1970,
c. 293

(5) The amount to be raised by the Town in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the Town bears to the total assessment of the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the Town under section 7 of *The Municipal Unconditional Grants Act*.

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the Town in the following manner:

1. The amount, as ascertained in accordance with subsection 4, to be raised by the Town in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.
2. The amount, as ascertained in accordance with subsection 5, to be raised by the Town in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the Town both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
commercial
assessment in
merged areas

(7) The council of the Town shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
residential
assessment in
merged areas

(8) The council of the Town shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) For the purpose of determining the apportionment of county rates in 1974, the County of Simcoe shall use the assessment as revised and equalized under subsection 2.

Apportionment of
county rates

10.—(1) Notwithstanding section 9, the council of the Town may, in the year 1974 by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the Town, before the adoption of the estimates, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy before
estimates
adopted

(2) The amount of levy under subsection 1 shall be deducted from the amount of the levy made under section 9.

Levy under
section 9 to
be reduced

(3) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

Application
of
R.S.O. 1970,
c. 284, s. 303,
subs. 4

11.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the Town shall be deemed to be municipalities, and the council of the Town shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

(2) The amount required to be levied and collected by the Town for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by the Town for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by the Town for secondary school purposes on commercial assessment

Rates for
secondary
school
purposes on
commercial
assessment

R.S.O. 1970,
c. 424

ment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by the Town for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the Town, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 9.

Regulations
under R.S.O.
1970, c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Transitional
adjustments

12. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the Town shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made in
estimates of
Town in 1974
R.S.O. 1970,
c. 284

13. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the Town for the year 1974 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the Town.

Interpre-
tation

14.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1973, to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of each of the merged areas at the 31st day of December, 1973, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1974.

15. All the assets and liabilities of the Village of Wasaga Beach become assets and liabilities of the Town on the 1st day of January, 1974, without compensation. Assets and liabilities vested in Town

16.—(1) The Minister may, on or before the 1st day of September, 1973, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession of the assets and liabilities, including reserve funds, of the Township of Flos, the Township of Nottawasaga and the Township of Sunnidale. Committees of arbitrators

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1973, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1974. Provisional determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1973, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned and to the Ontario Municipal Board and unless the council of any such municipality notifies the Board in writing within thirty days of the mailing of such determination to the municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities. Idem R.S.O. 1970, c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such determination. Idem

(7) The Minister may by order prescribe the period over which any adjustments and settlements are to be made. Period of adjustment

17. For the purposes of every Act, the annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal Annexations deemed by Municipal Board Orders R.S.O. 1970, cc. 323, 284

under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon application of the Town or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the Town.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Town of Wasaga Beach Act, 1973*.

SCHEDULE

Part of the Township of Flos, commencing at a point on the west boundary of the Township of Flos where it is intersected by the westerly prolongation of the centre line of the road allowance between concessions V and VI of the said Township of Flos;

THENCE easterly to and along the centre line of the said road allowance between concessions V and VI to the intersection of the southerly prolongation of the line between lots 23 and 24 in Concession VI of the Township of Flos;

THENCE northerly to and along the line between lots 23 and 24 in concessions VI and VII and the northerly prolongation thereof to the centre line of the road allowance between concessions VII and VIII in the Township of Flos;

THENCE easterly along the centre line of the said road allowance to the southerly prolongation of the line between lots 21 and 22 in Concession VIII;

THENCE northerly to and along the line between lots 21 and 22 in concessions VIII and IX to the line between the north and south halves of Lot 21 in Concession IX of the said Township of Flos;

THENCE easterly along the line between the north and south halves of Lot 21 in Concession IX and the easterly prolongation thereof to the centre line of the road allowance between lots 20 and 21 in Concession IX of the Township of Flos;

THENCE northerly along the said centre line of the road allowance between lots 20 and 21 to the intersection of the centre line of the road allowance between concessions IX and X;

THENCE easterly along the said centre line of the road allowance to the southerly prolongation of the line between lots 19 and 20 in Concession X of the Township of Flos;

THENCE northerly to and along the line between lots 19 and 20 in concessions X and XI and the northerly prolongation thereof to the northerly boundary of the Township of Flos;

THENCE westerly along the north boundary of the Township of Flos to the high water mark of Nottawasaga Bay;

THENCE continuing westerly along the prolongation of the north boundary of the Township of Flos in accordance with subsection 1 of section 11 of the *Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the northerly prolongation of the westerly boundary of the said Township of Flos;

THENCE southerly along the northerly prolongation of the west boundary of the Township of Flos to a point on the high water mark of Nottawasaga Bay, the said point being on the northwest boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Flos and the Village of Wasaga Beach to the said west boundary of the Township of Flos;

THENCE southerly along the west boundary of the said Township of Flos to the point of commencement.

Part of the Township of Nottawasaga, commencing at a point in the east boundary of the Township of Nottawasaga where it is intersected by the easterly prolongation of the limit between lots 31 and 32 in Concession I of the said Township of Nottawasaga;

THENCE westerly to and along the limit between lots 31 and 32 in concessions I and II and the westerly prolongation thereof to the centre line of the road allowance between concessions II and III of the Township of Nottawasaga;

THENCE northerly along the said centre line of the road allowance between concessions II and III to the easterly prolongation of the southerly limit of Lot 33 in Concession III;

THENCE westerly to and along the south limit of the said Lot 33 to the southwest angle thereof;

THENCE northerly along the westerly limit of lots 33, 34 and 35 in Concession III to the high water mark of Nottawasaga Bay;

THENCE northerly along the prolongation of the said west limit of Lot 35, an approximate distance of 10.7 miles, to the middle of Nottawasaga Bay in accordance with the said subsection 1 of section 11 of the *Territorial Division Act*;

THENCE southeasterly along the middle of the Nottawasaga Bay to the intersection of the northerly prolongation of the east boundary of the Township of Nottawasaga in accordance with the said *Territorial Division Act*;

THENCE southerly along the prolongation of the east boundary of the Township of Nottawasaga, an approximate distance of 9 miles to the high water mark of Nottawasaga Bay;

THENCE southerly along the east boundary of the Township of Nottawasaga to the point of commencement.

Part of the Township of Sunnidale, commencing at a point in the westerly boundary of the Township of Sunnidale where it is intersected by the westerly prolongation of the north limit of lands of Donald McNabb as described in Registered Instrument Number 114859;

THENCE easterly to and along the northerly limit of the lands of Donald McNabb to the line between lots 1 and 2 in Concession XIV of the Township of Sunnidale;

THENCE southerly along the said line between lots 1 and 2 to the northwest angle of the lands of Ralph Morgan as described in Registered Instrument Number 13739 (Sunnidale);

THENCE easterly along the north limit of the last mentioned lands 1497.57 feet to the northeast angle thereof;

THENCE southerly along the east limit of the last mentioned Instrument Number 13739 a distance of 1118.03 feet to a point measured northerly 1180 feet more or less from the south limit of Lot 2 in Concession XIV of the Township of Sunnidale;

THENCE easterly along the north limit of the lands of Mabel Morgan as described in Registered Instrument Number 87847 a distance of 2289.21 feet to the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road and its prolongation to the centre line of the road allowance between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the centre line of the road allowance between concessions XIII and XIV and its easterly prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the said Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE following the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the said Township of Sunnidale to the point of commencement;

Part of the Township of Sunnidale, commencing at the northwest angle of the Village of Wasaga Beach;

THENCE northerly along the prolongation of the boundary between the townships of Sunnidale and Nottawasaga, in accordance with the said *Territorial Division Act*, an approximate distance of 9 miles to the middle of Nottawasaga Bay;

THENCE southeasterly, in a straight line, to the northwest angle of the Township of Flos;

THENCE southerly along the prolongation of the boundary between the townships of Sunnidale and Flos to the north boundary of the Village of Wasaga Beach, being the high water mark of Nottawasaga Bay;

THENCE westerly along the said Village boundary to the point of commencement.

An Act to incorporate the
Town of Wasaga Beach

1st Reading

June 13th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 20th, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

CA20N

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-B56

BILL 164

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Game and Fish Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment prohibits persons entering Crown lands that are used for the propagation of game or fish, without authority or paying a fee.

SECTION 3. The repealed section permitted the hunting of wolves from vehicles and aircraft.

SECTION 4.—Subsection 1. The amendment requires the issue of angling, hunting and dog licences to persons who meet the requirements of the Act and regulations.

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1, is further amended by renumbering paragraph 1 as paragraph 1*a* and by adding thereto the following paragraph:

1. "Board" means the Game and Fish Hearing Board established under section 36*a*.

- 2.—(1) Subsection 5 of section 18 of the said Act is repealed and the following substituted therefor:

(5) No person shall enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish without,

(a) authority; or

(b) paying the fee prescribed by the regulations.

- (2) The said section 18 is amended by adding thereto the following subsection:

(9) A copy of a letter purporting to be signed by the Minister authorizing any person to give the notice referred to in subsection 1 in respect of any land owned by the Crown is *prima facie* evidence of such letter and of the contents thereof.

3. Section 22 of the said Act is repealed.

- 4.—(1) Subsection 3 of section 36 of the said Act is repealed and the following substituted therefor:

(3) Any person who applies in accordance with this Act and the regulations for,

- (a) an angling licence;
- (b) a licence to hunt game; or
- (c) a licence referred to in section 76,

and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

s. 36 (8),
re-enacted

- (2) Subsection 8 of the said section 36 is repealed and the following substituted therefor:

Wearing
of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

ss. 36a-36d,
enacted

5. The said Act is amended by adding thereto the following sections:

Game and
Fish Hearing
Board

36a.—(1) The Game and Fish Hearing Board is established and shall be composed of not more than five members who shall be appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

Chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman.

Quorum

(3) Three members of the Board constitute a quorum.

Remuner-
ation

(4) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Interpre-
tation

36b.—(1) In this section and in sections 36c and 36d, “licence” means a licence other than a licence referred to in subsection 3 of section 36.

Refusal of
licence

(2) An issuer of licences may refuse to issue a licence where the refusal is reasonably necessary for the achievement of the purpose of this Act.

Notice of
refusal

(3) Where an issuer of licences refuses to issue a licence he shall serve notice of the refusal on the applicant for the licence.

Power of
Minister

36c.—(1) The Minister may cancel a licence where the continued existence of the licence is not in accordance with the purpose of this Act.

Subsection 2. The amendment clarifies the intent that the badge required to be worn by a person while hunting shall be a badge supplied by the Ministry.

SECTION 5. The new sections provide,

(a) for the establishment of the Game and Fish Hearing Board; and

(b) for hearings where,

(i) a licence other than a licence referred to in section 36 (3)—
section 4 (1) of this Bill —is refused, or

(ii) the Minister proposes to cancel such a licence.

After a hearing, the Board will report to the Minister who will then decide whether or not, in the first case, a licence will be issued, and in the second case, whether the licence is to be retained or cancelled.

(2) Where the Minister proposes to cancel a licence under this Act, he shall serve or cause to be served notice of his proposal, together with written reasons therefor, on the holder of the licence. Notice of proposal to cancel licence

36d.—(1) A notice under section 36b or 36c shall inform the applicant or holder of the licence that he is entitled to a hearing by the Board if he mails or delivers to the Minister and to the Board, within fifteen days after the notice under section 36b or 36c is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing. Notice requiring hearing

(2) Where an applicant or holder of the licence requires a hearing by the Board in accordance with subsection 1, the Board shall appoint a time for and hold the hearing and shall report thereon to the Minister. Holding of hearing

(3) The report of the Board shall contain a summary of the facts presented at the hearing and its opinion on the merits of the issuing or cancellation of the licence, as the case may be, in light of the facts and in view of the purpose of this Act, together with its reasons for its opinion. Report

(4) The Minister, after receiving and considering the report of the Board, may direct or refuse to direct the issuance of the licence or may carry out or refrain from carrying out his proposal to cancel the licence, as the case may be. Powers of Minister

(5) The applicant or holder of the licence who has required the hearing and such other persons as the Board may specify are parties to the hearing. Parties

(6) The Minister is entitled to be heard, by counsel or otherwise, upon a hearing under this section. Minister entitled to be heard

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The Board may extend the time for the giving of notice requiring a hearing by an applicant or holder of the licence under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or holder of the licence and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(9) An applicant or holder of the licence who is a party to a hearing under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Notice of
hearing

(10) Notice of a hearing under this section shall afford to the holder of the licence a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.

Service of
notice

(11) Any notice required by section 36*b* or 36*c* to be served may be served personally or by registered mail addressed to the person upon whom notice is to be served at his latest known address, and where notice is served by registered mail it shall be deemed to be served on the fifth day after the day of mailing unless the person on whom notice is to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

s. 39 (1),
re-enacted

6.—(1) Subsection 1 of section 39 of the said Act is repealed and the following substituted therefor:

Municipal
licences
to hunt
pheasants,
etc.

(1) Subject to subsection 5, the Minister may in writing authorize any municipality to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for.

s. 39,
amended

(2) The said section 39 is amended by adding thereto the following subsection:

Minister
may limit
his
authority
territorially

(5) The Minister may in his written authority referred to in subsection 1 exempt from the operation of subsection 1 any land of the Crown situate within the municipality or any land within the municipality, the owner of which has entered into an agreement under section 6, respecting such land.

s. 47 (2),
repealed

7. Subsection 2 of section 47 of the said Act is repealed.

s. 69 (1),
re-enacted

8. Subsection 1 of section 69 of the said Act is repealed and the following substituted therefor:

No traffic
in certain
fish

(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon, (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but subject to such terms and conditions as are prescribed by the regulations,

(a) under the authority of a licence to propagate and sell bass and trout, a sale may be made of smallmouth bass, largemouth bass, brook trout or rainbow trout propagated in Ontario for the purpose of stocking and of brook trout and rainbow trout for human consumption; and

SECTION 6. The amendment gives the Minister the authority to exclude Crown and other designated lands from the operation of a township licence to hunt pheasants, rabbits or foxes.

SECTION 7. The repeal of subsection 2 of section 47 of the Act will have the effect of including European and varying hare in the prohibition against the sale of game.

SECTION 8. The intent of the subsection in respect of the species of fish mentioned therein is clarified.

SECTION 9. Section 79 of the Act is amended to clarify the intent that it does not apply to a zoo operated by a municipality.

SECTION 10. The amendment provides for regulating or prohibiting the use of blinds or decoys. It also provides for the establishment by regulation of fees for entering Crown lands used for propagating and retaining game or fish. The intent of paragraph 13 of section 91 of the Act is clarified.

(b) under the authority of a licence to sell trout, a sale may be made for human consumption of,

- (i) brook trout and rainbow trout taken from waters outside Ontario,
- (ii) live brook trout and rainbow trout propagated in Ontario and offered for sale in a restaurant or a retail shop, or
- (iii) surplus stocks of brook trout and rainbow trout held under a fishing preserve licence.

9. Subsection 3 of section 79 of the said Act is repealed and the following substituted therefor: s. 79 (3),
re-enacted

(3) This section does not apply where live game or a wolf is kept in captivity in a zoo operated by a municipality or for scientific or educational purposes in a public institution. Application
of section

10. (1) Section 91 of the said Act is amended by adding thereto the following paragraphs: s. 91,
amended

3a. regulating, restricting or prohibiting the use of blinds and decoys;

.

6a. prescribing the fee to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish.

(2) Paragraph 13 of the said section 91 is repealed and the following substituted therefor: s. 91,
par. 13,
re-enacted

13. prescribing the number of game animals, game birds or fur-bearing animals that may be taken or possessed.

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The Game and Fish Amendment Act, 1973*. Short title

An Act to amend
The Game and Fish Act

1st Reading

June 14th, 1973

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

CA20N

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-B 56

BILL 165

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act respecting
the Sale of Live Stock Medicines to Owners of Live Stock**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the authorization of dealers, licensed for the purpose, to sell certain specified drugs to live stock owners for the treatment of live stock. The drugs would otherwise be obtainable only from licensed pharmacists.

BILL 165

1973

**An Act respecting
the Sale of Live Stock Medicines
to Owners of Live Stock**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Live Stock Medicines Licence Review Board;
- (b) "Committee" means The Live Stock Medicines Advisory Committee;
- (c) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (d) "drug" means a drug as defined in *The Pharmacy Act*; R.S.O. 1970,
c. 348
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "live stock" means cattle, goats, horses, poultry, rabbits, sheep and swine and animals maintained in captivity for the production of fur;
- (h) "live stock medicine" means a drug or class of drugs designated as a live stock medicine in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;
- (j) "owner" includes a person employed by or authorized to act on behalf of an owner;

(*k*) "regulations" means the regulations made under this Act;

(*l*) "sell" includes offer for sale, expose for sale, have in possession for sale, sell or distribute;

R.S.O. 1970,
c. 480

(*m*) "veterinarian" means a veterinarian registered under *The Veterinarians Act*.

Live Stock
Medicines
Advisory
Committee

2.—(1) There shall be a committee to be known as The Live Stock Medicines Advisory Committee appointed by the Lieutenant Governor in Council and consisting of,

(*a*) one member representing the Veterinary Services Branch of the Ministry of Agriculture and Food;

(*b*) one member representing the Ministry of Health;

(*c*) one member representing the Health Protection Branch of the Department of National Health and Welfare (Canada);

(*d*) one member representing the Ontario College of Pharmacy;

(*e*) one member representing the Ontario Veterinary Association;

(*f*) one member representing the Ontario Division of The Canadian Feed Manufacturers Association;

(*g*) one member representing The Ontario Fur Breeders Association, Incorporated;

(*h*) one member representing poultry producers;

(*i*) two members representing owners of live stock other than poultry; and

(*j*) such other members as the Minister considers necessary or advisable.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 1 a chairman and a vice-chairman of the Committee.

Remuner-
ation

(3) The members of the Committee, other than members employed in the public service of Ontario or Canada, may receive such remuneration and expenses as the Lieutenant Governor in Council determines.

(4) The Committee shall,

Functions

- (a) review all legislation and regulations pertaining to live stock medicines;
- (b) inquire into and report to the Minister on any matter referred to it by the Minister;
- (c) advise the Minister on matters relating to the control and regulation of live stock medicines;
- (d) evaluate and recommend,
 - (i) procedures relating to the sale of live stock medicines; and
 - (ii) proper standards for the maintenance, handling and storage of live stock medicines; and
- (e) make recommendations respecting,
 - (i) the designation of drugs or classes of drugs as live stock medicines, and
 - (ii) the designation of live stock medicines for sale under a licence or any class of licence.

3.—(1) The Minister may appoint a chief inspector who ^{Inspectors} shall be a veterinarian and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

(2) The production by an inspector of a certificate of his ^{Certificates of} appointment purporting to be signed by the Minister is ^{appointment} admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister.

(3) Subject to subsections 6, 7, 8 and 9, an inspector may, ^{Inspections} at any reasonable time, enter any premises or conveyance of a person licensed under this Act and make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

(4) Where an inspector has reasonable and probable grounds ^{Idem} to believe that any person is selling live stock medicines to owners of live stock for the treatment of live stock without a licence under this Act and is not so authorized under any other Act, he may, subject to subsections 6, 7, 8 and 9 and at any reasonable time, enter any premises or con-

veyance of such person to make an inspection for the purpose of determining whether or not the person is committing an offence under this Act.

Powers of
inspectors

(5) Upon an inspection under subsection 3 or 4, an inspector may,

- (a) require the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom of the person being inspected;
- (b) obtain and remove a sample of any substance for the purpose of analysis to determine whether or not it is a live stock medicine; or
- (c) seize, remove or detain at the risk and expense of the owner any live stock medicine where he believes on reasonable and probable grounds that,
 - (i) the licensee is contravening the provisions of this Act or the regulations relating to the live stock medicine; or
 - (ii) the person being inspected is not authorized under this Act or any other Act to sell live stock medicines to owners of live stock for the treatment of live stock.

Entry of
dwellings
R.S.O. 1970,
c. 450

(6) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for the sale, maintenance, handling or storage of live stock medicines.

Production
of appoint-
ment

(7) An inspector in the course of his duties under this section shall, upon request, produce the certificate of his appointment.

Removal for
copying

(8) An inspector who requires the production or furnishing of books, records, documents or extracts therefrom, may, upon giving a receipt therefor, remove and detain them for the purpose of making, or causing to be made, one or more copies thereof, but such copies shall be made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(9) Any copy made under subsection 8, and certified by ^{Copy as evidence} the inspector to be a true copy is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(10) No person shall hinder or obstruct an inspector in ^{Disobedience of Inspector} the course of his duties or furnish him with false information or refuse to furnish him with information.

4.—(1) Notwithstanding *The Pharmacy Act*, a person ^{Licences} licensed under this Act may sell to owners of live stock ^{R.S.O. 1970, c. 348} for the treatment of live stock any live stock medicine designated in the regulations for the licence or class of licence held by such person.

(2) Any person who sells a live stock medicine to an owner ^{Offence} of live stock for the treatment of live stock without a licence under this Act is, unless authorized therefor by any other Act, guilty of an offence under this Act and on summary conviction is liable for a first offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

5.—(1) The Director shall issue a licence to sell live ^{Issuance of licences} stock medicines to owners of live stock for the treatment of live stock to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6, the Director shall renew a licence ^{Renewal of licences} on application therefor by the licensee in accordance with

this Act and the regulations and payment of the prescribed fee.

Refusal or
revocation

6.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the business do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (d) any ground for refusing to issue a licence under subsection 1 of section 5 exists.

Refusal or
suspension
pending
hearing

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of persons or live stock and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Opportunity
for
compliance

7.—(1) The notice of a hearing by the Director under section 5 or 6 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

8. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time, of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation or rescission of decision by Director

9.—(1) A board to be known as The Live Stock Medicines Licence Review Board is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food. Live Stock Medicines Licence Review Board

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(3) A majority of the members of the Board constitutes a quorum. Quorum

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Notice of appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should Hearing

be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Stay pending
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
not to have
taken part
in investiga-
tion

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971. c. 47

Only
members at
hearing to partici-
pate in
decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to
Supreme
Court

12.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board. ^{Certification of record}

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board. ^{Powers of court on appeal}

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Stay on appeal}

13. Subject to subsection 2 of section 4, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. ^{Offence}

14. In any proceeding or prosecution under this Act, ^{Evidence}

- (a) where any container is labelled as containing a live stock medicine, it is admissible in evidence as *prima facie* proof that the container contains the live stock medicine described on the label; and
- (b) where any live stock medicine is found in a shop or place in which business is transacted, the live stock medicine is admissible in evidence as *prima facie* proof that it was kept for sale.

15. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) designating drugs or classes of drugs as live stock medicines for the purposes of this Act;
- (b) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (c) establishing classes of licences and designating the live stock medicines that may be sold under each class of licence;

- (d) prescribing the terms and conditions on which licences or any class thereof are issued;
- (e) prescribing grounds for refusal to renew, suspension or revocation of licences or any class thereof in addition to the grounds mentioned in section 6;
- (f) prescribing the terms and conditions under which live stock medicines shall be sold by persons licensed under this Act;
- (g) prescribing the facilities and equipment to be provided for the maintenance, handling and storage of live stock medicines by persons licensed under this Act;
- (h) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to the purchase and sale of live stock medicines;
- (i) prescribing forms and providing for their use;
- (j) governing advertising in respect of live stock medicines and the furnishing of information to the public by persons licensed under this Act;
- (k) governing the seizure, removal, detention and disposal of live stock medicines for the purposes of clause c of subsection 5 of section 3;
- (l) providing for the removal and disposal of live stock medicines in the possession of an applicant or licensee where a licence is refused, suspended or revoked;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Moneys

16. The moneys required for the purposes of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

**Commence-
ment**

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Live Stock Medicines Act, 1973*.

An Act respecting the Sale of
Live Stock Medicines to
Owners of Live Stock

1st Reading

June 14th, 1973

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

XB

-B56

BILL 165

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act respecting
the Sale of Live Stock Medicines to Owners of Live Stock**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

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BILL 165

1973

**An Act respecting
the Sale of Live Stock Medicines
to Owners of Live Stock**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Live Stock Medicines Licence Review Board;
- (b) "Committee" means The Live Stock Medicines Advisory Committee;
- (c) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (d) "drug" means a drug as defined in *The Pharmacy Act*; R.S.O. 1970,
c. 348
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "live stock" means cattle, goats, horses, poultry, rabbits, sheep and swine and animals maintained in captivity for the production of fur;
- (h) "live stock medicine" means a drug or class of drugs designated as a live stock medicine in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;
- (j) "owner" includes a person employed by or authorized to act on behalf of an owner;

(k) "regulations" means the regulations made under this Act;

(l) "sell" includes offer for sale, expose for sale, have in possession for sale, sell or distribute;

R.S.O. 1970,
c. 480

(m) "veterinarian" means a veterinarian registered under *The Veterinarians Act*.

Live Stock
Medicines
Advisory
Committee

2.—(1) There shall be a committee to be known as The Live Stock Medicines Advisory Committee appointed by the Lieutenant Governor in Council and consisting of,

(a) one member representing the Veterinary Services Branch of the Ministry of Agriculture and Food;

(b) one member representing the Ministry of Health;

(c) one member representing the Health Protection Branch of the Department of National Health and Welfare (Canada);

(d) one member representing the Ontario College of Pharmacy;

(e) one member representing the Ontario Veterinary Association;

(f) one member representing the Ontario Division of The Canadian Feed Manufacturers Association;

(g) one member representing The Ontario Fur Breeders Association, Incorporated;

(h) one member representing poultry producers;

(i) two members representing owners of live stock other than poultry; and

(j) such other members as the Minister considers necessary or advisable.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall appoint from the persons appointed under subsection 1 a chairman and a vice-chairman of the Committee.

Remuner-
ation

(3) The members of the Committee, other than members employed in the public service of Ontario or Canada, may receive such remuneration and expenses as the Lieutenant Governor in Council determines.

(4) The Committee shall,

Functions

- (a) review all legislation and regulations pertaining to live stock medicines;
- (b) inquire into and report to the Minister on any matter referred to it by the Minister;
- (c) advise the Minister on matters relating to the control and regulation of live stock medicines;
- (d) evaluate and recommend,
 - (i) procedures relating to the sale of live stock medicines; and
 - (ii) proper standards for the maintenance, handling and storage of live stock medicines; and
- (e) make recommendations respecting,
 - (i) the designation of drugs or classes of drugs as live stock medicines, and
 - (ii) the designation of live stock medicines for sale under a licence or any class of licence.

3.—(1) The Minister may appoint a chief inspector who ^{Inspectors} shall be a veterinarian and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

(2) The production by an inspector of a certificate of his ^{Certificates of} appointment purporting to be signed by the Minister is ^{appointment} admissible in evidence as *prima facie* proof of his appointment without further proof of the signature and authority of the Minister.

(3) Subject to subsections 6, 7, 8 and 9, an inspector may, ^{Inspections} at any reasonable time, enter any premises or conveyance of a person licensed under this Act and make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

(4) Where an inspector has reasonable and probable grounds ^{Idem} to believe that any person is selling live stock medicines to owners of live stock for the treatment of live stock without a licence under this Act and is not so authorized under any other Act, he may, subject to subsections 6, 7, 8 and 9 and at any reasonable time, enter any premises or con-

veyance of such person to make an inspection for the purpose of determining whether or not the person is committing an offence under this Act.

Powers of
inspectors

(5) Upon an inspection under subsection 3 or 4, an inspector may,

- (a) require the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom of the person being inspected;
- (b) obtain and remove a sample of any substance for the purpose of analysis to determine whether or not it is a live stock medicine; or
- (c) seize, remove or detain at the risk and expense of the owner any live stock medicine where he believes on reasonable and probable grounds that,
 - (i) the licensee is contravening the provisions of this Act or the regulations relating to the live stock medicine; or
 - (ii) the person being inspected is not authorized under this Act or any other Act to sell live stock medicines to owners of live stock for the treatment of live stock.

Entry of
dwellings
R.S.O. 1970,
c. 450

(6) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the occupant unless,

- (a) the occupant is licensed under this Act; and
- (b) he has reasonable grounds for believing that the occupant is using such part for the sale, maintenance, handling or storage of live stock medicines.

Production
of appoint-
ment

(7) An inspector in the course of his duties under this section shall, upon request, produce the certificate of his appointment.

Removal for
copying

(8) An inspector who requires the production or furnishing of books, records, documents or extracts therefrom, may, upon giving a receipt therefor, remove and detain them for the purpose of making, or causing to be made, one or more copies thereof, but such copies shall be made with reasonable despatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(9) Any copy made under subsection 8, and certified by ^{Copy as evidence} the inspector to be a true copy is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(10) No person shall hinder or obstruct an inspector in ^{Obstruction of inspector} the course of his duties or furnish him with false information or refuse to furnish him with information.

4.—(1) Notwithstanding *The Pharmacy Act*, a person ^{Licences} licensed under this Act may sell to owners of live stock ^{R.S.O. 1970, c. 348} for the treatment of live stock any live stock medicine designated in the regulations for the licence or class of licence held by such person.

(2) Any person who sells a live stock medicine to an owner ^{Offence} of live stock for the treatment of live stock without a licence under this Act is, unless authorized therefor by any other Act, guilty of an offence under this Act and on summary conviction is liable for a first offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

5.—(1) The Director shall issue a licence to sell live ^{Issuance of licences} stock medicines to owners of live stock for the treatment of live stock to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with law;
- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

(2) Subject to section 6, the Director shall renew a licence ^{Renewal of licences} on application therefor by the licensee in accordance with

this Act and the regulations and payment of the prescribed fee.

Refusal or
revocation

6.—(1) The Director may refuse to renew or may suspend or revoke a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the business do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business or the conditions for licensing, and such contravention warrants such refusal to renew, suspension or revocation of the licence;
- (c) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or
- (d) any ground for refusing to issue a licence under subsection 1 of section 5 exists.

Refusal or
suspension
pending
hearing

(2) Notwithstanding subsection 1, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of persons or live stock and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations.

Continuation
pending
renewal

(3) Subject to subsection 2, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Opportunity
for
compliance

7.—(1) The notice of a hearing by the Director under section 5 or 6 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

8. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may at any time, of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. Variation or rescission of decision by Director

9.—(1) A board to be known as The Live Stock Medicines Licence Review Board is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council none of whom are members of the public service in the employ of the Ministry of Agriculture and Food. Live Stock Medicines Licence Review Board

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman. Chairman and vice-chairman

(3) A majority of the members of the Board constitutes a quorum. Quorum

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

10.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board. Notice of appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should Hearing

be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Stay pending
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

11.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members
not to have
taken part
in investiga-
tion

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only
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to partici-
pate in
decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to
Supreme
Court

12.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board. ^{Certification of record}

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board. ^{Powers of court on appeal}

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. ^{Stay on appeal}

13. Subject to subsection 2 of section 4, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. ^{Offence}

14. In any proceeding or prosecution under this Act, ^{Evidence}

- (a) where any container is labelled as containing a live stock medicine, it is admissible in evidence as *prima facie* proof that the container contains the live stock medicine described on the label; and
- (b) where any live stock medicine is found in a shop or place in which business is transacted, the live stock medicine is admissible in evidence as *prima facie* proof that it was kept for sale.

15. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) designating drugs or classes of drugs as live stock medicines for the purposes of this Act;
- (b) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (c) establishing classes of licences and designating the live stock medicines that may be sold under each class of licence;

- (d) prescribing the terms and conditions on which licences or any class thereof are issued ;
- (e) prescribing grounds for refusal to renew, suspension or revocation of licences or any class thereof in addition to the grounds mentioned in section 6 ;
- (f) prescribing the terms and conditions under which live stock medicines shall be sold by persons licensed under this Act ;
- (g) prescribing the facilities and equipment to be provided for the maintenance, handling and storage of live stock medicines by persons licensed under this Act ;
- (h) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to the purchase and sale of live stock medicines ;
- (i) prescribing forms and providing for their use ;
- (j) governing advertising in respect of live stock medicines and the furnishing of information to the public by persons licensed under this Act ;
- (k) governing the seizure, removal, detention and disposal of live stock medicines for the purposes of clause c of subsection 5 of section 3 ;
- (l) providing for the removal and disposal of live stock medicines in the possession of an applicant or licensee where a licence is refused, suspended or revoked ;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Moneys

16. The moneys required for the purposes of this Act shall, until the 31st day of March, 1974, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

**Commence-
ment**

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Live Stock Medicines Act, 1973*.

An Act respecting the Sale of
Live Stock Medicines to
Owners of Live Stock

1st Reading

June 14th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 19th, 1973

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N
XB
-B 56

BILL 166

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTES

SECTION 1. Complementary to section 5 of the Bill.

SECTIONS 2, 3, 4. The grounds for qualification and disqualification of jurors are redistributed as among sections 2, 3 and 5 of the Act with no substantial change except to change the upper age limit from 70 to 69.

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 112, section 1, is further amended by adding thereto the following clause:

(ca) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue.

2. Section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 112, section 2, is repealed and the following substituted therefor:

2. Subject to sections 3 and 5, every person who, Eligible jurors

(a) resides in Ontario;

(b) is a Canadian citizen or other British subject; and

(c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides.

3. Paragraph 1 of subsection 1 of section 3 of the said Act is repealed. s. 3 (1),
par. 1,
repealed

4. Section 5 of the said Act is repealed and the following substituted therefor: s. 5,
re-enacted

Disqualifi-
cation

5. A person is disqualified from serving as a juror who,

- (a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;
- (b) is not in the possession of his natural faculties; or
- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon.

ss. 10-15,
re-enacted
ss. 16-35,
repealed

5. Sections 10 to 35 of the said Act are repealed and the following substituted therefor:

Annual
meeting
of county
selectors

10.—(1) The county selectors shall assemble at the office of the clerk of the peace at the court house on or before the 15th day of September in each year and shall by separate resolutions determine and declare for the ensuing year for the county,

- (a) the total number of jurors that will be required for sittings of the Supreme Court;
- (b) the total number of jurors that will be required for sittings of the inferior courts of criminal and civil jurisdiction;
- (c) the aggregate number of jurors that will be required for all sittings of such courts; and
- (d) the number of jurors that will be required for each sittings of,
 - (i) the Supreme Court,
 - (ii) the court of general sessions of the peace in the county, and
 - (iii) the county court in the county.

Trans-
mission of
resolutions

(2) The clerk of the peace shall forthwith upon the conclusion of the meeting held under subsection 1 certify and transmit,

- (a) to the Director of Assessment, a copy of the resolution declaring the aggregate number of jurors required for all courts in the county in the ensuing year;
- (b) to the office of the Registrar of the Supreme Court, a copy of the resolution for the number of jurors under subclause i of clause d of subsection 1; and

SECTIONS 5 and 6. The procedures for the initial selection of persons from whom jurors rolls are selected are rewritten for the purpose of using the municipal annual census rather than municipal polling lists. Those selected must return an information gathering form so that those obviously disqualified can be dropped at an early stage. The local selectors procedure is eliminated and the four jury lists are combined into one list.

- (c) to the clerk of the county court in the county, copies of the resolutions for the number of jurors under subclauses ii and iii of clause *d* of subsection 1.

INITIAL SELECTION OF JURORS

11.—(1) The Director of Assessment shall in each year on or before the third Tuesday in October cause a jury service notice together with a return to the jury service notice, and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to such number of persons in the county, selected in such manner as is provided in this section. Jury service notices

(2) The jury service notice and return to the jury service notice shall be in the form prescribed by the Lieutenant Governor in Council. Form of notice and return

(3) The jury service notice shall be mailed in accordance with subsection 1 to a number of persons that is four times the aggregate number of jurors declared to be required for the sittings of the courts in the county in the ensuing year under clause *c* of subsection 1 of section 10. Number of persons notified

(4) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*, Selection of persons notified

R.S.O. 1970,
c. 32

(a) at the time of the census, resided in the county and were Canadian citizens or other British subjects; and

(b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and in such a manner so as not to duplicate the selections in the two preceding years and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

(5) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the Address for mailing

most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

When service
deemed made

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Return to
jury service
notice

(7) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

List of
notices given

(8) The Director of Assessment shall furnish to the sheriff of the county a list of persons in each municipality in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury services notices to the persons shown on the list.

Indian
reserves

(9) In the selecting of persons for entry in the jurors' book in a county or district in which an Indian reserve is situate, the sheriff shall perform in respect of the reserve the duties the Director of Assessment would have under subsections 1, 2, 3, 4, 5 and 8 if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available.

PREPARATION OF JURORS' BOOK

Sheriff to
prepare
jurors'
book

12. The sheriff shall in each year procure a book called the jurors' book, and shall keep it as nearly as may be in the form prescribed by the Lieutenant Governor in Council.

Entry of
names in
jurors'
book

13.—(1) On or before the 15th day of November in each year, the sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return not to be exempt or disqualified from jury service to be entered in the jurors' book in one roll in the numbers indicated by the county selectors under section 10.

Omission
of names

(2) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears such person will be unable to attend for jury duty.

(3) If the number of names qualified for entry in the jurors' book, as determined from the returns to jury service notices, is fewer than three times the number required under clause c of subsection 1 of section 10, the sheriff shall request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as may be required to obtain the requisite additional number of names. ^{Supplementary names}

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 11 applies *mutatis mutandis* with respect to the number of additional jury service notices requested by the sheriff to be mailed as if it were the number specified in subsection 3 of section 11. ^{Supplying of supplementary names}

14. As soon as he has completed the jurors' book but not later than the 15th day of November in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver the jurors' book to the clerk of the peace, but the judge of the county court may extend the time for delivery for such reasons as he considers sufficient. ^{Delivery of book to clerk of peace}

15. The Chief Justice of the High Court may, upon application therefor by the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jurors' book and jury list for the county to such date as he considers appropriate and may authorize the continued use of the latest jurors' book and list until the dates so fixed. ^{Extension of times}

6. Subsection 1 of section 36 of the said Act is amended by striking out "12th" in the third line and inserting in lieu thereof "15th" and by striking out "27" in the sixth line and inserting in lieu thereof "13". ^{s. 36 (1), amended}

7. Sections 37, 38, 39, 40, 41, 42 and 43, and section 44 as amended by the Statutes of Ontario, 1971, chapter 98, section 4 and 1972, chapter 112, section 4, of the said Act are repealed and the following substituted therefor: ^{ss. 37, 38, re-enacted ss. 39-44, repealed}

37.—(1) The county selectors shall then proceed to select from the jurors' roll the names of the requisite number of persons to serve as jurors in the following year, being those persons who, in the opinion of the selectors or of a majority of them, are, from the integrity of their character, the soundness of their judgement, and the extent of their information the most discreet and competent for the performance of the duties of jurors, and in making the selection the county selectors may, if they think fit, select a proportion of the names for the list from each local municipality. ^{Selection of jurors from jurors' roll}

Names
selected to
be inserted
in list

(2) The names of the persons so selected, alphabetically arranged, with their places of residence and additions, shall then be copied by the clerk of the peace into the jurors' book, and shall be numbered consecutively, and the clerk of the peace shall thereupon mark each of such names on the jurors' roll as transferred to the jury list by a reference to the number belonging to it on that list.

List so made
to be the
jury list

(3) The list of names so selected and transferred is the jury list for the year next after that in which it has been so prepared.

Number to
be selected
for jury
list

(4) The number to be selected from the jurors' roll for the jury list shall be the number of jurors that the county selectors have determined to be requisite as the panels for the year, with one-fourth the number thereof added thereto.

The chair-
man and
clerk of the
peace to
certify
books

(5) As soon as the jury list has been so prepared, the chairman and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such jury list, that it was prepared from the proper roll, as the law directs, and the date of its preparation, and the jurors' book, with the jury list so certified, shall then be filed in the office of the clerk of the peace.

DISTRICT SELECTIONS

District
selectors

38.—(1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom are a quorum, are the district selectors of jurors.

To have
powers and
duties of
county
selectors

(2) Except as herein otherwise provided, the district selectors of jurors and Director of Assessment shall perform the like duties and possess the like powers as county selectors and the Director of Assessment do in respect of a county and the sheriff and clerk of the peace of the district shall respectively perform the like duties and possess the like powers with respect to the selection, empanelling and summoning of jurors and otherwise as the sheriff and clerk of the peace of a county.

Number of
grand and
petit jurors
to be
returned

(3) After the district selectors at the meeting to be held as provided in section 10 have determined and declared the number of grand and petit jurors respectively that will be required as jury panels for service at the courts during the ensuing year, they shall by resolution fix the total number of grand and petit jurors for the Supreme Court, and for the inferior courts, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization.

SECTION 7. Complementary to section 5 of the Bill and the selection in the districts is altered correspondingly to that in the counties.

SECTION 8. Provision is added for excusing a juror after he is empanelled for a sittings.

SECTION 9. Complementary to section 5 of the Bill.

SECTION 10. Complementary to section 5 of the Bill and reference to property qualifications for jurors is deleted as obsolete.

SECTION 11. The new provision precludes a party in an action from exploring the method of forming the panel for the sittings for the purpose of blocking proceeding with the trial, without interfering with his right to challenge individual jurors.

(4) Section 11 applies in respect of the selection of persons to whom jury service notices shall be mailed in the parts of the district having municipal organization and to the sending of jury service notices and making of jury service notice returns, and for the purposes of subsections 3 and 4 of section 11, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required by the county selectors is the number fixed by the district selectors under subsection 3 of this section to be selected from municipalities. Application of s. 11 to municipalities

(5) The sheriff shall make up a roll of jurors from territory without municipal organization in the numbers fixed by the district selectors under subsection 3 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. Selection from un-organized territory

(6) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears he will be unable to attend for jury duty. Omission of names

8. The said Act is amended by adding thereto the following section: s. 49a, enacted

49a. The local judge of the High Court may excuse any juror summoned for a jury sittings from attending where it appears the juror will be unable to attend. Excusing of juror

9. Section 68 of the said Act is amended by striking out "grand or petit jurors' rolls" in the third line and inserting in lieu thereof "jurors' list". s. 68, amended

10. Sections 76 and 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury list from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. The sheriff to note on lists names of jurors who do not serve

77. If a person not qualified is drawn as a juror for the trial of an issue in any matter or proceeding, the want of qualification is a good cause of challenge. Lack of qualification

11. Section 81 of the said Act is amended by adding thereto the following subsection: s. 81, amended

Panel
deemed
properly
selected

(2) Subject to sections 77 and 79, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding.

s. 83 (c),
amended

12. Clause *c* of section 83 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 9, section 5, is amended by striking out "local and" in the first line.

s. 88,
repealed

13. Section 88 of the said Act is repealed.

s. 94,
amended

14. Section 94 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Every person who is required to complete a return to a jury service notice and who,

(a) fails to complete the return and mail it to the sheriff as required by subsection 7 of section 11; or

(b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Scheds. A, B,
repealed

15. Schedules A and B to the said Act are repealed.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1973*.

SECTION 12. Complementary to section 5 of the Bill.

SECTION 13. The provision repealed provides for the remuneration of selectors which is provided for in section 83 (c) of the Act.

SECTION 14. Complementary to section 5 of the Bill.

SECTION 15. The Schedules repealed provide for the form of the jury rolls and lists. These will be prescribed by regulation.

An Act to amend
The Jurors Act

1st Reading

June 14th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CA201
XB
-B 56

BILL 166

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Jurors Act

THE HON. D. A. BALES
Attorney General



An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 112, section 1, is further amended by adding thereto the following clause:

(ca) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue.

2. Section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 112, section 2, is repealed and the following substituted therefor:

2. Subject to sections 3 and 5, every person who,

Eligible
jurors

 - (a) resides in Ontario;
 - (b) is a Canadian citizen or other British subject; and
 - (c) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on grand and petit juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides.

3. Paragraph 1 of subsection 1 of section 3 of the said Act is repealed.

s. 3(1),
par. 1,
repealed
4. Section 5 of the said Act is repealed and the following substituted therefor:

s. 5,
re-enacted

Disqualifi-
cation

5. A person is disqualified from serving as a juror who,

- (a) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;
- (b) is not in the possession of his natural faculties; or
- (c) has been convicted of an indictable offence, unless he has subsequently been granted a pardon.

ss. 10-15,
re-enacted
ss. 16-35,
repealed

5. Sections 10 to 35 of the said Act are repealed and the following substituted therefor:

Annual
meeting
of county
selectors

10.—(1) The county selectors shall assemble at the office of the clerk of the peace at the court house on or before the 15th day of September in each year and shall by separate resolutions determine and declare for the ensuing year for the county,

- (a) the total number of jurors that will be required for sittings of the Supreme Court;
- (b) the total number of jurors that will be required for sittings of the inferior courts of criminal and civil jurisdiction;
- (c) the aggregate number of jurors that will be required for all sittings of such courts; and
- (d) the number of jurors that will be required for each sittings of,
 - (i) the Supreme Court,
 - (ii) the court of general sessions of the peace in the county, and
 - (iii) the county court in the county.

Trans-
mission of
resolutions

(2) The clerk of the peace shall forthwith upon the conclusion of the meeting held under subsection 1 certify and transmit,

- (a) to the Director of Assessment, a copy of the resolution declaring the aggregate number of jurors required for all courts in the county in the ensuing year;
- (b) to the office of the Registrar of the Supreme Court, a copy of the resolution for the number of jurors under subclause i of clause d of subsection 1; and

- (c) to the clerk of the county court in the county, copies of the resolutions for the number of jurors under subclauses ii and iii of clause *d* of subsection 1.

INITIAL SELECTION OF JURORS

11.—(1) The Director of Assessment shall in each year on or before the third Tuesday in October cause a jury service notice together with a return to the jury service notice, and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to such number of persons in the county, selected in such manner as is provided in this section. Jury service notices

(2) The jury service notice and return to the jury service notice shall be in the form prescribed by the Lieutenant Governor in Council. Form of notice and return

(3) The jury service notice shall be mailed in accordance with subsection 1 to a number of persons that is four times the aggregate number of jurors declared to be required for the sittings of the courts in the county in the ensuing year under clause *c* of subsection 1 of section 10. Number of persons notified

(4) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*, Selection of persons notified

R.S.O. 1970,
c. 32

- (a) at the time of the census, resided in the county and were Canadian citizens or other British subjects; and
- (b) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and in such a manner so as not to duplicate the selections in the two preceding years and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

(5) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the Address for mailing

most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

When service
deemed made

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Return to
jury service
notice

(7) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

List of
notices given

(8) The Director of Assessment shall furnish to the sheriff of the county a list of persons in each municipality in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury services notices to the persons shown on the list.

Indian
reserves

(9) In the selecting of persons for entry in the jurors' book in a county or district in which an Indian reserve is situate, the sheriff shall perform in respect of the reserve the duties the Director of Assessment would have under subsections 1, 2, 3, 4, 5 and 8 if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available.

PREPARATION OF JURORS' BOOK

Sheriff to
prepare
jurors'
book

12. The sheriff shall in each year procure a book called the jurors' book, and shall keep it as nearly as may be in the form prescribed by the Lieutenant Governor in Council.

Entry of
names in
jurors'
book

13.—(1) On or before the 15th day of November in each year, the sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return not to be exempt or disqualified from jury service to be entered in the jurors' book in one roll in the numbers indicated by the county selectors under section 10.

Omission
of names

(2) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears such person will be unable to attend for jury duty.

(3) If the number of names qualified for entry in the jurors' book, as determined from the returns to jury service notices, is fewer than three times the number required under clause *c* of subsection 1 of section 10, the sheriff shall request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as may be required to obtain the requisite additional number of names. ^{Supplementary names}

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 11 applies *mutatis mutandis* with respect to the number of additional jury service notices requested by the sheriff to be mailed as if it were the number specified in subsection 3 of section 11. ^{Supplying of supplementary names}

14. As soon as he has completed the jurors' book but not later than the 15th day of November in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver the jurors' book to the clerk of the peace, but the judge of the county court may extend the time for delivery for such reasons as he considers sufficient. ^{Delivery of book to clerk of peace}

15. The Chief Justice of the High Court may, upon application therefor by the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jurors' book and jury list for the county to such date as he considers appropriate and may authorize the continued use of the latest jurors' book and list until the dates so fixed. ^{Extension of times}

6. Subsection 1 of section 36 of the said Act is amended by striking out "12th" in the third line and inserting in lieu thereof "15th" and by striking out "27" in the sixth line and inserting in lieu thereof "13". ^{s. 36 (1), amended}

7. Sections 37, 38, 39, 40, 41, 42 and 43, and section 44 as amended by the Statutes of Ontario, 1971, chapter 98, section 4 and 1972, chapter 112, section 4, of the said Act are repealed and the following substituted therefor: ^{ss. 37, 38, re-enacted ss. 39-44, repealed}

37.—(1) The county selectors shall then proceed to select from the jurors' roll the names of the requisite number of persons to serve as jurors in the following year, being those persons who, in the opinion of the selectors or of a majority of them, are, from the integrity of their character, the soundness of their judgement, and the extent of their information the most discreet and competent for the performance of the duties of jurors, and in making the selection the county selectors may, if they think fit, select a proportion of the names for the list from each local municipality. ^{Selection of jurors from jurors' roll}

Names
selected to
be the
list

(2) The names of the persons so selected, alphabetically arranged, with their places of residence and additions, shall then be copied by the clerk of the peace into the jurors' book, and shall be numbered consecutively, and the clerk of the peace shall thereupon mark each of such names on the jurors' roll as transferred to the jury list by a reference to the number belonging to it on that list.

List so made
to be the
jury list

(3) The list of names so selected and transferred is the jury list for the year next after that in which it has been so prepared.

Number to
be selected
for jury
list

(4) The number to be selected from the jurors' roll for the jury list shall be the number of jurors that the county selectors have determined to be requisite as the panels for the year, with one-fourth the number thereof added thereto.

The chair-
man and
clerk of the
peace to
certify
books

(5) As soon as the jury list has been so prepared, the chairman and the clerk of the peace shall certify under their hands in the jurors' book, immediately after such jury list, that it was prepared from the proper roll, as the law directs, and the date of its preparation, and the jurors' book, with the jury list so certified, shall then be filed in the office of the clerk of the peace.

DISTRICT SELECTIONS

District
selectors

38.—(1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom are a quorum, are the district selectors of jurors.

To have
powers and
duties of
county
selectors

(2) Except as herein otherwise provided, the district selectors of jurors and Director of Assessment shall perform the like duties and possess the like powers as county selectors and the Director of Assessment do in respect of a county and the sheriff and clerk of the peace of the district shall respectively perform the like duties and possess the like powers with respect to the selection, empanelling and summoning of jurors and otherwise as the sheriff and clerk of the peace of a county.

Number of
grand and
petit jurors
to be
returned

(3) After the district selectors at the meeting to be held as provided in section 10 have determined and declared the number of grand and petit jurors respectively that will be required as jury panels for service at the courts during the ensuing year, they shall by resolution fix the total number of grand and petit jurors for the Supreme Court, and for the inferior courts, that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization.

(4) Section 11 applies in respect of the selection of persons to whom jury service notices shall be mailed in the parts of the district having municipal organization and to the sending of jury service notices and making of jury service notice returns, and for the purposes of subsections 3 and 4 of section 11, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required by the county selectors is the number fixed by the district selectors under subsection 3 of this section to be selected from municipalities. Application of s. 11 to municipalities

(5) The sheriff shall make up a roll of jurors from territory without municipal organization in the numbers fixed by the district selectors under subsection 3 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. Selection from un-organized territory

(6) The sheriff may, with the written approval of the local judge of the High Court, omit any name from the roll where it appears he will be unable to attend for jury duty. Omission of names

8. The said Act is amended by adding thereto the following section: s. 49a, enacted

49a. The local judge of the High Court may excuse any juror summoned for a jury sittings from attending where it appears the juror will be unable to attend. Excusing of juror

9. Section 68 of the said Act is amended by striking out "grand or petit jurors' rolls" in the third line and inserting in lieu thereof "jurors' list". s. 68, amended

10. Sections 76 and 77 of the said Act are repealed and the following substituted therefor: ss. 76, 77, re-enacted

76. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury list from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. The sheriff to note on lists names of jurors who do not serve

77. If a person not qualified is drawn as a juror for the trial of an issue in any matter or proceeding, the want of qualification is a good cause of challenge. Lack of qualification

11. Section 81 of the said Act is amended by adding thereto the following subsection: s. 81, amended

Panel
deemed
properly
selected

(2) Subject to sections 77 and 79, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding.

s. 83 (c),
amended

12. Clause *c* of section 83 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 9, section 5, is amended by striking out "local and" in the first line.

s. 88,
repealed

13. Section 88 of the said Act is repealed.

s. 94,
amended

14. Section 94 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Every person who is required to complete a return to a jury service notice and who,

(a) fails to complete the return and mail it to the sheriff as required by subsection 7 of section 11; or

(b) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Scheds. A, B,
repealed

15. Schedules A and B to the said Act are repealed.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1973*.

BILL 166

An Act to amend
The Jurors Act

1st Reading

June 14th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 20th, 1973

THE HON. D. A. BALES
Attorney General

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BILL 167

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

COVER
PUBLISHED

An Act to amend The Extra-Judicial Services Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

An allowance is provided for county court judges in the same manner and amount as for Supreme Court judges under the Act.

BILL 167

1973

An Act to amend The Extra-Judicial Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Extra-Judicial Services Act*, being chapter 155 of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section:
 1. In this Act, "judge" means a judge of a court in Ontario, to whom the *Judges Act* (Canada) applies. Act,
amended
Interpre-
tation
R.S.C. 1970,
c. J-1
2. Section 1*a* of the said Act, as renumbered by section 1 and amended by the Statutes of Ontario, 1971 (2nd Session), chapter 15, section 1, is further amended by striking out "of the Supreme Court" in the first line. s. 1*a*,
amended
3. Subsection 1 of section 2 of the said Act is repealed. s. 2 (1),
repealed
4. This Act shall be deemed to have come into force on the 1st day of April, 1973. Commence-
ment
5. This Act may be cited as *The Extra-Judicial Services Amendment Act, 1973*. Short title

An Act to amend
The Extra-Judicial Services Act

1st Reading

June 14th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CA20N

XB

BILL 167

-B56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Extra-Judicial Services Act

THE HON. D. A. BALES
Attorney General



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 167

1973

An Act to amend The Extra-Judicial Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Extra-Judicial Services Act*, being chapter 155 of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section:

1. In this Act, "judge" means a judge of a court in Ontario, to whom the *Judges Act* (Canada) applies.

Act,
amended

Interpre-
tation
R.S.C. 1970,
c. J-1
2. Section 1*a* of the said Act, as renumbered by section 1 and amended by the Statutes of Ontario, 1971 (2nd Session), chapter 15, section 1, is further amended by striking out "of the Supreme Court" in the first line.

s. 1*a*,
amended
3. Subsection 1 of section 2 of the said Act is repealed.

s. 2 (1),
repealed
4. This Act shall be deemed to have come into force on the 1st day of April, 1973.

Commence-
ment
5. This Act may be cited as *The Extra-Judicial Services Amendment Act, 1973*.

Short title

An Act to amend
The Extra-Judicial Services Act

1st Reading

June 14th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 20th, 1973

THE HON. D. A. BALES
Attorney General

CA20N

XB

-B 56

BILL 168

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Sections *27a* and *27b* provide county councils with two alternative methods in addition to that provided under section 27 for the composition and voting strength of county council.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 27a, 27b, enacted

27a.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of the reeves of the towns, not being separated towns, and of the villages and townships in the county together with the deputy reeves of such towns, villages and townships where they have 2,500 or more municipal electors. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply and where a town, not being a separated town, or a village or a township in a county, has more than 5,000 and not more than 7,500 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 7,500 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote. Vote of reeve and deputy reeve in towns, villages and townships

(3) Subsections 2, 3 and 4 of section 34 apply to this section. Application of s. 34 (2-4)

27b.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of only the reeves of the towns, not being separated towns, and of the villages and townships in the county. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply, and where a town, not being a separated town, or a village or a township in a county, has more than 1,000 and not more than 2,000 municipal electors, the reeve as a member of the Vote of reeve in towns, villages and townships

county council has an additional vote, where it has more than 2,000 and not more than 3,000 municipal electors he has two additional votes, and where it has more than 3,000 municipal electors he has three additional votes.

Application
of s. 34 (2-4)

(3) Subsections 2, 3 and 4 of section 34 apply to this section.

s. 36 (1),
par. 1,
amended

2. Paragraph 1 of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, is amended by adding at the end thereof "and a commissioner, superintendent or overseer of any work, whose appointment is authorized under section 393".

s. 293 (3), (c),
re-enacted

3. Clause *c* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
cc. 255, 136
1971, c. 37

(c) under *The Local Improvement Act, The Drainage Act or The Tile Drainage Act, 1971.*

s. 304 (1),
amended

- 4.—(1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1, is amended by striking out "\$25" in the tenth line and inserting in lieu thereof "\$50".

s. 304 (1b),
repealed
s. 304 (2-4),
re-enacted

- (2) Subsection 1b as enacted by the Statutes of Ontario, 1971, chapter 81, section 1, subsection 2 as amended by the Statutes of Ontario, 1971, chapter 81, section 1, and subsections 3 and 4 of the said section 304 are repealed and the following substituted therefor:

Annual levy
on
correctional
institutions

(2) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a correctional institution designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount payable on or after the 1st day of July, upon such institution, not exceeding the sum of \$50 a year for each resident place in such institution as determined by the Minister of Correctional Services.

Annual levy
on public
hospitals,
etc.

(3) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a public hospital or provincial mental health facility designated by the Lieutenant Governor in Council may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health.

SECTION 2. The amendment restores the exemption from disqualification from municipal office for commissioners, superintendents and overseers appointed by a council of a village or township with a population of 3,000 or less. When section 36 was re-enacted in 1972 this exemption was overlooked.

SECTION 3. The clause is re-enacted to dispense with the requirement for securing the assent of the electors for by-laws passed under *The Tile Drainage Act, 1971*.

SECTION 4.—Subsection 1. The amount of tax that municipalities may levy on universities and colleges of applied arts and technology is increased from \$25 per student to \$50.

Subsection 2. Municipalities are empowered to levy an amount not exceeding \$50 a year on each resident place in a correctional institution and on each provincially rated bed in a public hospital or mental health facility situate within its boundaries and designated by the Lieutenant Governor in Council. Provision is made for a municipality in which is situate a public hospital or correctional institution to enter into agreement with another municipality for the provision of any municipal service thereto.

(4) The total amount levied under this section in any year shall not exceed one-quarter of the total amount of ^{Limitation on amount of levy} taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in the preceding year.

(5) A municipality in which a public hospital or correctional institution is situate may enter into an agreement with one ^{Agreements for municipal services authorized} or more municipalities for the provision of any municipal service to the hospital or correctional institution.

(6) The Minister may direct a municipality in which a ^{Minister may direct agreement be entered into} public hospital or correctional institution is situate to enter into an agreement with another municipality for the provision to the hospital or correctional institution of such municipal service or services as the Minister specifies in his direction.

(7) Where the Minister has directed that an agreement ^{Application to OMB} be entered into under subsection 6 and the municipalities fail to reach agreement within sixty days after the Minister's direction, either of such municipalities or the Minister may apply to the Municipal Board and the Board shall settle the terms and conditions of such agreement.

(8) Where a municipality has entered into an agreement ^{Termination of existing agreements} under subsection 5 or 6, the Province may terminate any agreement between the Province and such municipality for the provision of any service or services to a hospital or correctional institution.

(9) The assessment of a municipality that levies under this section shall be deemed for apportionment purposes, other than school purposes and other than for the apportionment between "merged areas", to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate applicable to the major portion of residential and farm property assessment in the preceding year, for all purposes other than school purposes. ^{Municipal assessment deemed increased}

(10) For the purposes of subsection 9 "merged area" ^{Interpretation} means, where a municipality referred to in subsection 9 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality.

(11) The clerk of every local municipality that levies ^{Notification of amount of assessment increase} under this section shall forthwith transmit, to each body for which the local municipality levies a rate, except a school

board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 9.

Allocation
of levy

(12) The council of a municipality that levies under this section may, in the year 1973, and thereafter in each year shall, allocate a portion of the amount levied to each of the bodies for which the municipality levies a rate, other than a school board, in the proportion that the taxes levied in the preceding year on residential and farm property for each such body bears to the total taxes levied in the preceding year on residential and farm property for all purposes other than school purposes.

Reduction
for purposes
of levy
under s. 302
and under
R.S.O. 1970,
c. 405, s. 7

(13) Where a municipality allocates an amount under subsection 12 such amount shall be deducted from the requisition of each such body and the net amount shall be the amount included in the levy of the municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 304a (2-4),
re-enacted

5. Subsections 2, 3 and 4 of section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6, are repealed and the following substituted therefor:

Apportion-
ment of gross
receipts

(2) In determining the amount of the gross receipts of a telephone company in each local municipality under subsection 1, a telephone company shall apportion the total gross receipts of the company in all such municipalities to each municipality in the proportion that the number of telephones connected to the company's system in each municipality bears to the total number of telephones connected to the company's system in all such municipalities as of the 31st day of December of the year in respect of which the statement is transmitted.

What
constitutes
gross
receipts

(3) For the purposes of subsection 1, gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

Rate of tax

(4) The council of every local municipality shall levy on each company from which a statement is received under subsection 1, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company as shown on the statement provided under subsection 1.

R.S.O. 1970,
c. 405

Idem

(5) Notwithstanding subsection 4, where there are less than 2,000 telephones connected to a company's system

SECTION 5. The amendment provides that in determining the amount of gross receipts of a telephone company in each local municipality, the company shall apportion its total gross receipts in all municipalities in proportion to the number of telephones connected to its system in each municipality. The municipal tax remains at 5 per cent of the gross receipts, but companies having less than 2,000 telephones will be taxed at 3 per cent in 1973, 4 per cent in 1974 and 5 per cent in 1975 and thereafter.

the annual tax referred to in subsection 4 shall be 3 per cent in 1973, 4 per cent in 1974 and 5 per cent in 1975 and each year thereafter.

(6) Section 303 of this Act applies *mutatis mutandis* to an annual tax levied under this section. Levy before estimates adopted

(7) Any tax levied under this section is collectable in the same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality. How tax collectable

(8) The assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes, other than separate school purposes, and other than for apportionment between "merged areas", to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property at the rate applicable to the major portion of commercial and industrial property assessment in the preceding year for all purposes. Municipal assessment deemed increased

(9) For the purposes of subsection 8 "merged area" means, where a municipality referred to in subsection 8 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality. Interpretation

(10) The clerk of every local municipality that levies a tax under this section shall transmit within fourteen days of receipt of the statement referred to in subsection 1 to each body for which the local municipality levies a rate, except a separate school board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8. Notification of amount of assessment increase

(11) The council of the municipality may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4 to each of the bodies for which the municipality levies a rate, other than a separate school board, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than separate school purposes. Allocation of tax

(12) The amount allocated to each body under subsection 11 shall be deducted from the requisition of each such body making an apportionment to the municipality and the net amount shall be the amount included in the levy of the Reduction for purposes of levy under s. 302 and under R.S.O. 1970, c. 405, s. 7

municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 352,
amended

6. Section 352 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, and 1972, chapter 124, section 9, is further amended by adding thereto the following paragraph:

Provision
of municipal
services to
Indian band
reserves

- 7a. For entering into agreement with an Indian band for the provision of any municipal service within the limits of the reserve occupied by the band upon such terms as may be agreed.

s. 362a,
enacted

7. The said Act is further amended by adding thereto the following section:

Sewer and
water
connections

362a.—(1) Councils of local municipalities may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings or class or classes of buildings to the sewage works or water works of the municipality.

May be
installed by
municipality

(2) If the owner of a building affected by a by-law passed under this section fails to make a connection required by the by-law within nine months after the municipality has sent notice to him by registered mail to his last known address requiring the connection to be made, the municipality may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.

Recovery of
cost

(3) A notice sent under subsection 2 shall advise the owner that if he fails to make the connection as required, the municipality has the right to make it at his expense and to recover the expense by action or in like manner as municipal taxes.

Extension of
time

(4) Upon the application of the owner, the council may grant an extension of not more than two years from the end of the nine-month period provided for in subsection 2 within which the connection is to be made, provided that not more than two extensions may be granted in respect of any building.

Loans

(5) A by-law passed under this section may provide for the making of loans by the municipality to owners to whom a notice has been sent under subsection 2 to pay for the whole or any part of the cost of making a connection required by the by-law, which loans may be made on such terms and conditions as the council may prescribe.

SECTION 6. A new paragraph is added to section 352 authorizing all municipal councils to enter into agreements with Indian bands respecting the provision of municipal services within the band reserve.

SECTION 7. A new section is added authorizing local municipalities to require buildings or certain classes of buildings to be connected to the municipal sewage or water works. Provision is made for granting an extension of the time for making a connection and also for the making of municipal loans to cover the cost involved.

SECTION 8. The limitation on expenditures for the purposes set forth in the section is removed.

SECTION 9. Subsection 3 of section 443 is re-enacted to substitute the Minister for the Lieutenant Governor in Council for the purpose of granting approvals under the subsection. Also the subsection is extended to require approval by the Minister of by-laws providing for the leasing or selling of a stopped-up highway that leads to or along water, with the exception of a leasing not in excess of 30 years.

(6) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. Loan a lien on land

(7) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. Certificate

8. Section 394 of the said Act is repealed and the following substituted therefor: s. 394, re-enacted

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for, Expenses for entertaining guests and travelling on civic business

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and
- (b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants.

9. Subsection 3 of section 443 of the said Act is repealed and the following substituted therefor: s. 443 (3), re-enacted

(3) A by-law passed under clause *b* of subsection 1 for altering or diverting any highway or part of a highway or under clause *c* or *d* of subsection 1 in respect of an allowance for road reserved in the original survey, Approval of Minister to by-law

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Minister until such approval or confirmation has been obtained, provided that the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

s. 461,
amended

- 10.** Section 461 of the said Act is amended by adding thereto the following subsection:

Moneys to
be paid
into
special
account

(4) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection 3 of section 443, less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 11 of section 33 of *The Planning Act* apply to such account and the moneys therein.

R.S.O. 1970,
c. 349

s. 516 (2d),
re-enacted

- 11.**—(1) Subsection 2d of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Application
form

(2d) Every person applying under this section for an alteration of his school support as shown on the list shall either personally or by his authorized agent sign an application in the prescribed form in which all of the information required by the form shall be sufficiently filled in, either by the applicant or his authorized agent or by the clerk at the request of the applicant or of his authorized agent and, before correcting the list, the clerk shall satisfy himself that the applicant or his authorized agent, as the case may be, understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

s. 516 (2m),
re-enacted

- (2) Subsection 2m of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Census
taken early
R.S.O. 1970,
c. 32

(2m) Where the census is taken under section 23a of *The Assessment Act* in any local municipality, for the purposes of this section, the assessment commissioner shall supply to the

SECTION 10. A new subsection 4 is added to section 461 requiring the proceeds of a sale or lease of a stopped-up highway leading to or along water to be placed in a special account to be used for the acquisition of other lands for park purposes.

SECTION 11.—Subsection 1. The subsection is re-enacted to make it clear that an authorized agent may complete an application form for a change of school support.

Subsection 2. The subsection formerly contained transitional provisions for the local government reform program in 1972. The re-enacted subsection is in more general terms and provides for taking and revisions of school support lists in areas of local government reform in which the census is taken at an earlier date than in the rest of the province.

clerk of such local municipality a list for school support purposes and such list shall be deemed to be the list required by section 23 of the said Act, and shall be subject to revision at the same time as lists prepared under such section 23, and the provisions of subsections 2a to 2l apply *mutatis mutandis*.

12. Form 20 of the said Act is repealed and the following substituted therefor: Form 20
re-enacted

FORM 20

(Section 235 (1))

I,.....
do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of..... to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I will disclose any pecuniary interest, direct or indirect as required by and in accordance with *The Municipal Conflict of Interest Act, 1972*, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. This Act may be cited as *The Municipal Amendment Act, 1973*. Short title

An Act to amend
The Municipal Act

1st Reading

June 15th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

BILL 168

-B56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

27a.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of the reeves of the towns, not being separated towns, and of the villages and townships in the county together with the deputy reeves of such towns, villages and townships where they have 2,500 or more municipal electors.

Alternative
composition
of county
council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply and where a town, not being a separated town, or a village or a township in a county, has more than 5,000 and not more than 7,500 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 7,500 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote.

Vote of reeve
and deputy
reeve in
towns,
villages and
townships

(3) Subsections 2, 3 and 4 of section 34 apply to this section.

Application
of s. 34 (2-4)

27b.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of only the reeves of the towns, not being separated towns, and of the villages and townships in the county.

Alternative
composition
of county
council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply, and where a town, not being a separated town, or a village or a township in a county, has more than 1,000 and not more than 2,000 municipal electors, the reeve as a member of the

Vote of reeve
in towns,
villages and
townships

county council has an additional vote, where it has more than 2,000 and not more than 3,000 municipal electors he has two additional votes, and where it has more than 3,000 municipal electors he has three additional votes.

Application
of s. 34 (2-4)

(3) Subsections 2, 3 and 4 of section 34 apply to this section.

s. 36 (1),
par. 1,
amended

2. Paragraph 1 of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, is amended by adding at the end thereof "and a commissioner, superintendent or overseer of any work, whose appointment is authorized under section 393".

s. 293 (3), (c),
re-enacted

3. Clause *c* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

(c) under *The Local Improvement Act, The Drainage Act* or *The Tile Drainage Act, 1971*.

R.S.O. 1970,
cc. 255, 136
1971, c. 37

s. 304 (1),
amended

- 4.—(1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1, is amended by striking out "\$25" in the tenth line and inserting in lieu thereof "\$50".

s. 304 (1b),
repealed
s. 304 (2-4),
re-enacted

- (2) Subsection 1b as enacted by the Statutes of Ontario, 1971, chapter 81, section 1, subsection 2 as amended by the Statutes of Ontario, 1971, chapter 81, section 1, and subsections 3 and 4 of the said section 304 are repealed and the following substituted therefor:

Annual levy
on
correctional
institutions

(2) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a correctional institution designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount payable on or after the 1st day of July, upon such institution, not exceeding the sum of \$50 a year for each resident place in such institution as determined by the Minister of Correctional Services.

Annual levy
on public
hospitals,
etc.

(3) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a public hospital or provincial mental health facility designated by the Lieutenant Governor in Council may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health.

(4) The total amount levied under this section in any year shall not exceed one-quarter of the total amount of taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in the preceding year. Limitation on amount of levy

(5) A municipality in which a public hospital or correctional institution is situate may enter into an agreement with one or more municipalities for the provision of any municipal service to the hospital or correctional institution. Agreements for municipal services authorized

(6) The Minister may direct a municipality in which a public hospital or correctional institution is situate to enter into an agreement with another municipality for the provision to the hospital or correctional institution of such municipal service or services as the Minister specifies in his direction. Minister may direct agreement be entered into

(7) Where the Minister has directed that an agreement be entered into under subsection 6 and the municipalities fail to reach agreement within sixty days after the Minister's direction, either of such municipalities or the Minister may apply to the Municipal Board and the Board shall settle the terms and conditions of such agreement. Application to OMB

(8) Where a municipality has entered into an agreement under subsection 5 or 6, the Province may terminate any agreement between the Province and such municipality for the provision of any service or services to a hospital or correctional institution. Termination of existing agreements

(9) The assessment of a municipality that levies under this section shall be deemed for apportionment purposes, other than school purposes and other than for the apportionment between "merged areas", to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate applicable to the major portion of residential and farm property assessment in the preceding year, for all purposes other than school purposes. Municipal assessment deemed increased

(10) For the purposes of subsection 9 "merged area" means, where a municipality referred to in subsection 9 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality. Interpretation

(11) The clerk of every local municipality that levies under this section shall forthwith transmit, to each body for which the local municipality levies a rate, except a school Notification of amount of assessment increase

board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 9.

Allocation
of levy

(12) The council of a municipality that levies under this section may, in the year 1973, and thereafter in each year shall, allocate a portion of the amount levied to each of the bodies for which the municipality levies a rate, other than a school board, in the proportion that the taxes levied in the preceding year on residential and farm property for each such body bears to the total taxes levied in the preceding year on residential and farm property for all purposes other than school purposes.

Reduction
for purposes
of levy
under s. 302
and under
R.S.O. 1970,
c. 405, s. 7

(13) Where a municipality allocates an amount under subsection 12 such amount shall be deducted from the requisition of each such body and the net amount shall be the amount included in the levy of the municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 304a (2-4),
re-enacted

5. Subsections 2, 3 and 4 of section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6, are repealed and the following substituted therefor:

Apportion-
ment of gross
receipts

(2) In determining the amount of the gross receipts of a telephone company in each local municipality under subsection 1, a telephone company shall apportion the total gross receipts of the company in all such municipalities to each municipality in the proportion that the number of telephones connected to the company's system in each municipality bears to the total number of telephones connected to the company's system in all such municipalities as of the 31st day of December of the year in respect of which the statement is transmitted.

What
constitutes
gross
receipts

(3) For the purposes of subsection 1, gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

Rate of tax

(4) The council of every local municipality shall levy on each company from which a statement is received under subsection 1, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company as shown on the statement provided under subsection 1.

R.S.O. 1970,
c. 405

Idem

(5) Notwithstanding subsection 4, where there are less than 2,000 telephones connected to a company's system

the annual tax referred to in subsection 4 shall be 3 per cent in 1973, 4 per cent in 1974 and 5 per cent in 1975 and each year thereafter.

(6) Section 303 of this Act applies *mutatis mutandis* to an annual tax levied under this section. Levy before estimates adopted

(7) Any tax levied under this section is collectable in the same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality. How tax collectable

(8) The assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes, other than separate school purposes, and other than for apportionment between "merged areas", to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property at the rate applicable to the major portion of commercial and industrial property assessment in the preceding year for all purposes. Municipal assessment deemed increased

(9) For the purposes of subsection 8 "merged area" means, where a municipality referred to in subsection 8 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality. Interpretation

(10) The clerk of every local municipality that levies a tax under this section shall transmit within fourteen days of receipt of the statement referred to in subsection 1 to each body for which the local municipality levies a rate, except a separate school board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8. Notification of amount of assessment increase

(11) The council of the municipality may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4 to each of the bodies for which the municipality levies a rate, other than a separate school board, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than separate school purposes. Allocation of tax

(12) The amount allocated to each body under subsection 11 shall be deducted from the requisition of each such body making an apportionment to the municipality and the net amount shall be the amount included in the levy of the Reduction for purposes of levy under s. 302 and under R.S.O. 1970, c. 405, s. 7

municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 352,
amended

6. Section 352 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, and 1972, chapter 124, section 9, is further amended by adding thereto the following paragraph:

Provision
of municipal
services to
Indian band
reserves

7a. For entering into agreement with an Indian band for the provision of any municipal service within the limits of the reserve occupied by the band upon such terms as may be agreed.

s. 362a,
enacted

7. The said Act is further amended by adding thereto the following section:

Sewer and
water
connections

362a.—(1) Councils of local municipalities may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings or class or classes of buildings to the sewage works or water works of the municipality.

May be
installed by
municipality

(2) If the owner of a building affected by a by-law passed under this section fails to make a connection required by the by-law within nine months after the municipality has sent notice to him by registered mail to his last known address requiring the connection to be made, the municipality may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.

Recovery of
cost

(3) A notice sent under subsection 2 shall advise the owner that if he fails to make the connection as required, the municipality has the right to make it at his expense and to recover the expense by action or in like manner as municipal taxes.

Extension of
time

(4) Upon the application of the owner, the council may grant an extension of not more than two years from the end of the nine-month period provided for in subsection 2 within which the connection is to be made, provided that not more than two extensions may be granted in respect of any building.

Loans

(5) A by-law passed under this section may provide for the making of loans by the municipality to owners to whom a notice has been sent under subsection 2 to pay for the whole or any part of the cost of making a connection required by the by-law, which loans may be made on such terms and conditions as the council may prescribe.

(6) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. Loan made on land

(7) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. Certificate

8. Section 304 of the said Act is repealed and the following substituted therefor: s. 304 repealed

304. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for, Expenses for entertaining guests and travelling on civic business

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and
- (b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants.

9. Subsection 3 of section 443 of the said Act is repealed and the following substituted therefor: s. 443(3) repealed

(3) A by-law passed under clause *d* of subsection 1 for altering or diverting any highway or part of a highway or under clause *c* or *d* of subsection 1 in respect of an allowance for road reserved in the original survey. Approval of Minister of Transport

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Minister until such approval or confirmation has been obtained, provided that the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

s. 461,
amended

- 10.** Section 461 of the said Act is amended by adding thereto the following subsection:

Moneys to
be paid
into
special
account

(4) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection 3 of section 443, less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 11 of section 33 of *The Planning Act* apply to such account and the moneys therein.

R.S.O. 1970,
c. 349

s. 516 (2d),
re-enacted

- 11.** —(1) Subsection 2d of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Application
form

(2d) Every person applying under this section for an alteration of his school support as shown on the list shall either personally or by his authorized agent sign an application in the prescribed form in which all of the information required by the form shall be sufficiently filled in, either by the applicant or his authorized agent or by the clerk at the request of the applicant or of his authorized agent and, before correcting the list, the clerk shall satisfy himself that the applicant or his authorized agent, as the case may be, understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

s. 516 (2m),
re-enacted

- (2) Subsection 2m of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Census
taken early
R.S.O. 1970,
c. 32

(2m) Where the census is taken under section 23a of *The Assessment Act* in any local municipality, for the purposes of this section, the assessment commissioner shall supply to the

clerk of such local municipality a list for school support purposes and such list shall be deemed to be the list required by section 23 of the said Act, and shall be subject to revision at the same time as lists prepared under such section 23, and the provisions of subsections 2a to 2l apply *mutatis mutandis*.

12. Form 20 of the said Act is repealed and the following substituted therefor: Form 20
re-enacted

FORM 20

(Section 235 (1))

I,.....
do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of..... to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I will disclose any pecuniary interest, direct or indirect as required by and in accordance with *The Municipal Conflict of Interest Act, 1972*, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

- 13.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 14.** This Act may be cited as *The Municipal Amendment Act, 1973*. Short title

An Act to amend
The Municipal Act

1st Reading

June 15th, 1973

2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

CA20N

XB

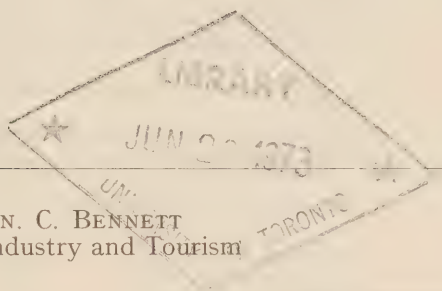
BILL 169

Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act respecting Development Corporations in Ontario



THE HON. C. BENNETT
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill combines *The Ontario Development Corporation Act* and *The Northern Ontario Development Corporation Act* and adds a third development corporation for eastern Ontario.

Provision is made for,

- (a) the development corporations for eastern and northern Ontario to have jurisdiction in defined areas with Ontario Development Corporation having jurisdiction throughout all of Ontario;
- (b) the corporations for eastern and northern Ontario to have representation on the board of directors of Ontario Development Corporation;
- (c) each corporation to have borrowing powers;
- (d) the creation of corporations by regulation for purposes to further the objects of development corporations;
- (e) Northern Ontario Development Corporation to make loans in territory without municipal organization for purposes similar to those provided for in municipalities by *The Shoreline Property Assistance Act, 1973*.

An Act respecting Development Corporations in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the Board of Directors of Ontario Development Corporation, the Northern Ontario Development Corporation or the Eastern Ontario Development Corporation;
- (b) “corporation” means the Ontario Development Corporation, Northern Ontario Development Corporation or Eastern Ontario Development Corporation;
- (c) “Eastern Ontario” means the counties of Hastings, Prince Edward, Renfrew, Lennox and Addington, Frontenac, Lanark, Leeds, Grenville, Russell, Dundas, Stormont, Prescott and Glengarry and The Regional Municipality of Ottawa-Carleton;
- (d) “industry” includes any trade or other business undertaking of any kind, and “industrial” has a corresponding meaning;
- (e) “Minister” means the Minister of Industry and Tourism or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) “Northern Ontario” means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clauses *c* and *f* of subsection 1 as he considers advisable.

Designation
of areas

Ontario
Development
Corporation
continued

2.—(1) The Corporation known as the Ontario Development Corporation is continued, consisting of not more than thirteen directors appointed by the Lieutenant Governor in Council of whom four shall be appointed from the Board of Directors of Eastern Ontario Development Corporation and four shall be appointed from the Board of Directors of Northern Ontario Development Corporation.

Share
capital

(2) The capital of the Ontario Development Corporation is \$7,000,000 divided into 7,000 shares, each having a par value of \$1,000.

Northern
Ontario
Development
Corporation
continued

3. The Corporation known as the Northern Ontario Development Corporation is continued as a corporation without share capital consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Eastern
Ontario
Development
Corporation
established

4. There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Eastern Ontario Development Corporation consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Creation of
other
corporations

5. The Lieutenant Governor in Council may by regulation constitute corporations with such powers and duties as are considered conducive to the attainment of the objects of the corporation and provide for its constitution and management.

Jurisdiction

6.—(1) The Northern Ontario Development Corporation shall carry out the objects of the Corporation in Northern Ontario.

Idem

(2) The Eastern Ontario Development Corporation shall carry out the objects of the Corporation in Eastern Ontario.

Idem

(3) The Ontario Development Corporation shall carry out the objects of the Corporation in Ontario.

Seal

7.—(1) Each corporation shall have a seal, which shall be adopted by a resolution or by-law of the corporation.

Fiscal year

(2) The fiscal year of each corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1970,
cc. 53, 89,
do not apply

(3) *The Business Corporations Act* does not apply to the Ontario Development Corporation and *The Corporations Act* does not apply to the Eastern Ontario Development Corporation or the Northern Ontario Development Corporation.

8. The Lieutenant Governor in Council shall appoint a person to whom *The Public Service Act* applies to be the managing director and chief executive of the Ontario Development Corporation. Managing director
R.S.O. 1970,
c. 386

9.—(1) The directors for the time being of each corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of
Directors

(2) Each corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuneration

(3) A quorum of directors for each board shall be such number of directors as the board may designate by by-law. Quorum

(4) The board of each corporation may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the corporation. By-laws

(5) The affairs of each corporation are under the management and control of its board for the time being, and a chairman shall preside at all meetings of the board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Management

10. All rights of the Minister of Her Majesty in right of Ontario under any agreement heretofore entered into by the Minister under *The Economic Development Loans Guarantee Act, 1962-63*, are vested in the Ontario Development Corporation. Rights of
Minister
under
agreements
to be rights of
Ontario
Development
Corporation
1962-3, c. 40

11. The objects of the corporations are to encourage and assist in the development and diversification of industry in Ontario, including, without limiting the generality of the foregoing, Objects

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

12.—(1) Notwithstanding any other Act, each corporation for the objects set out in section 8 possesses power to,

- (a) lend money to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender approved by the corporation to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity approved under section 5 of *The Ministry of Industry and Tourism Act* and forgive repayment of the loan in whole or in part;
- (d) take security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property or otherwise;
- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (f) buy, acquire, accept, and hold, exchange, transfer, assign, sell, dispose of or deal in, either absolutely or by way of security or otherwise, all kinds of bills, notes, negotiable instruments, commercial paper, conditional sale agreements, lien notes, hire purchase agreements, chattel mortgages, bills of lading, bills of sale, warehouse receipts, guarantees, choses in action or instruments of assignment, conveyance, mortgage, pledge, charge or hypothecation, and shares, stocks, bonds, debentures, debenture stocks, securities, obligations, agreements and evidences of debt;
- (g) do all things that are incidental or conducive to the attainment of the objects of the corporation.

(2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of a corporation conferred by clauses *a* and *b* of subsection 1.

Approvals by
Lieutenant
Governor in
Council

(3) In respect of loans made by Northern Ontario Development Corporation or Eastern Ontario Development Corporation under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor.

O.D.C.
deemed
creditor

(4) Where the approval of an area of equalization of industrial opportunity is rescinded, a corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Application
of rescission

(5) Every guarantee executed under the seal of a corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Validity of
guarantee

13.—(1) In this section,

Interpre-
tation

- (a) “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements;
- (b) “owner” includes any person holding a licence, concession or contract under which there had been acquired from the Crown any right to be exercised in respect of, or over, or upon lands;
- (c) “works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

(2) The Northern Ontario Development Corporation may lend money to an owner of land in any territory without municipal organization for the purposes of constructing

N.O.D.C. may
lend for works
or building
repairs

works or building repairs on such terms and conditions as may in writing be agreed upon between the owner and Northern Ontario Development Corporation.

Where works
or repairs on
Crown land

(3) Where money is borrowed to construct works or make building repairs on Crown lands, it shall be deemed to be borrowed in respect of the land or interest of the owner who borrowed the money.

Moneys
repayable
deemed tax

R.S.O. 1970,
c. 370

(4) The money from time to time repayable under the terms of any agreement made under subsection 2 shall be deemed to be tax under *The Provincial Land Tax Act*, and the provisions of that Act as to the collection and recovery of taxes and the proceedings that may be taken in default thereof apply but such money shall not be deemed to be tax for the purpose of any other Act.

Borrowing
powers

14.—(1) Subject to the approval of the Lieutenant Governor in Council, a corporation may from time to time borrow or raise by way of loan such sums of money as the corporation considers requisite for any of the purposes of the corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by issue and sale of debentures, bills or notes of the corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the corporation may determine.

Purposes of
corporations

(2) The purposes of each corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the corporation mentioned in section 11;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the corporation;
- (c) the repayment in whole or in part of any advances made by the Province of Ontario to the corporation or of any

securities of the corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and

- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, each corporation may sell any debentures, bills or notes of the corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Sale, etc., of corporations' securities

(4) A recital or declaration in any resolution or minute of a corporation authorizing the issue and sale of debentures, bills or notes of the corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the corporation in the amount authorized is conclusive evidence to that effect.

Authori-
zation

(5) Debentures, bills or notes of a corporation shall be sealed with the seal of the corporation and may be signed by the chairman or vice-chairman of the corporation and by the secretary or other officer of the corporation, and any interest coupon that may be attached to any debenture, bill or note of the corporation may be signed by the secretary or other officer of the corporation.

Sealing,
signing,
etc.

(6) The seals of the corporations may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seals of the corporations when so reproduced have the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the appropriate corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Mechanical
reproduction
of seal and
signature
authorized

15. Any debenture, bill or note of a corporation may be made redeemable in advance of maturity at such time or times at such price or prices and on such terms and conditions as the corporation may determine at the time of the issue thereof.

Securities
of
corporation
redeemable in
advance

16. Where a debenture, bill or note of a corporation is defaced, lost or destroyed, the board of the corporation may provide for its replacement on such terms and conditions as to evidence and as to indemnity as the board may require.

Lost
debentures

Guarantee
of payment
by Ontario

17.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to a corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity
of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to a corporation, payment whereof is guaranteed by Ontario under this section, is valid and binding upon the corporation and its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question upon any ground whatsoever.

Debentures
lawful
trustee
investments

18. Notwithstanding anything in any other Act, debentures issued by a corporation are at all times a lawful investment for municipal, school and trust funds.

Sale of
corporations'
securities
and of
O.D.C.'s
shares to
Ontario and
provincial
advances to
corporations
authorized

19.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase shares of the Ontario Development Corporation from time to time for an amount equal to their par value;
- (b) to purchase any debentures, bills or notes of a corporation; and
- (c) to make advances to a corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Redemption
of O.D.C.
shares

(3) The Ontario Development Corporation, with the approval of the Lieutenant Governor in Council, may redeem its own shares from time to time.

Investment
of surplus
money

20. A corporation may temporarily invest any surplus moneys not immediately required for the objects of the corporation in,

- (a) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada;
- (b) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*; R.S.O. 1970,
c. 254
- (c) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies. R.S.C. 1970,
c. B-1

21.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the corporations. Officers and
employees
R.S.O. 1970,
c. 386

(2) Each corporation may engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons. Professional
and other
assistance

22.—(1) The moneys required for the purpose of defraying the administrative expenses of the corporations shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys for
administ-
ration

(2) The moneys required for the purposes of clauses *b* and *c* of subsection 1 of section 12 shall be paid out of the moneys appropriated therefor by the Legislature. Forgivable
loans and
guarantees
Provincial
expenses

(3) The moneys required for the purpose of defraying the administrative expenses of Eastern Ontario Development Corporation shall, during the fiscal year 1973-74, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation. E.O.D.C.
administ-
ration
expenses

23. No member, officer or employee of a corporation, or other person acting on behalf of the corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Act. Limitation
of liability

24. The accounts and financial transactions of each corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the corporation and to the Minister. Audit

Annual
report

25.—(1) The corporations shall make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 12, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The corporations shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

R.S.O. 1970,
c. 278
does not
apply

26. *The Mortgage Brokers Act* does not apply to a corporation.

Repeals

27.—(1) *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970 and *The Ontario Development Corporation Amendment Act, 1972*, being chapter 68, are repealed.

Repeals

(2) *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970 and *The Northern Ontario Development Corporation Amendment Act, 1972*, being chapter 69, are repealed.

Commence-
ment

28. This Act comes into force on the day it receives Royal Assent.

Short title

29. This Act may be cited as *The Development Corporations Act, 1973*.

BILL 169

An Act respecting
Development Corporations
in Ontario

1st Reading

June 15th, 1973

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Industry and Tourism

(Government Bill)

CA20N

XB

BILL 169

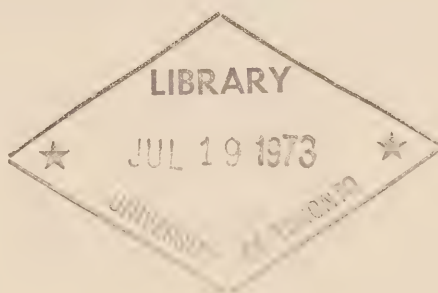
GOVERNMENT
PRINTING

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act respecting Development Corporations in Ontario

THE HON. C. BENNETT
Minister of Industry and Tourism



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 169

1973

An Act respecting Development Corporations in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the Board of Directors of Ontario Development Corporation, the Northern Ontario Development Corporation or the Eastern Ontario Development Corporation;
- (b) “corporation” means the Ontario Development Corporation, Northern Ontario Development Corporation or Eastern Ontario Development Corporation;
- (c) “Eastern Ontario” means the counties of Hastings, Prince Edward, Renfrew, Lennox and Addington, Frontenac, Lanark, Leeds, Grenville, Russell, Dundas, Stormont, Prescott and Glengarry and The Regional Municipality of Ottawa-Carleton;
- (d) “industry” includes any trade or other business undertaking of any kind, and “industrial” has a corresponding meaning;
- (e) “Minister” means the Minister of Industry and Tourism or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (f) “Northern Ontario” means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clauses *c* and *f* of subsection 1 as he considers advisable.

Designation
of areas

Ontario
Development
Corporation
continued

2.—(1) The Corporation known as the Ontario Development Corporation is continued, consisting of not more than thirteen directors appointed by the Lieutenant Governor in Council of whom four shall be appointed from the Board of Directors of Eastern Ontario Development Corporation and four shall be appointed from the Board of Directors of Northern Ontario Development Corporation.

Share
capital

(2) The capital of the Ontario Development Corporation is \$7,000,000 divided into 7,000 shares, each having a par value of \$1,000.

Northern
Ontario
Development
Corporation
continued

3. The Corporation known as the Northern Ontario Development Corporation is continued as a corporation without share capital consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Eastern
Ontario
Development
Corporation
established

4. There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Eastern Ontario Development Corporation consisting of not fewer than five and not more than thirteen directors appointed by the Lieutenant Governor in Council.

Creation of
other
corporations

5. The Lieutenant Governor in Council may by regulation constitute corporations with such powers and duties as are considered conducive to the attainment of the objects of the corporation and provide for its constitution and management.

Jurisdiction

6.—(1) The Northern Ontario Development Corporation shall carry out the objects of the Corporation in Northern Ontario.

Idem

(2) The Eastern Ontario Development Corporation shall carry out the objects of the Corporation in Eastern Ontario.

Idem

(3) The Ontario Development Corporation shall carry out the objects of the Corporation in Ontario.

Seal

7.—(1) Each corporation shall have a seal, which shall be adopted by a resolution or by-law of the corporation.

Fiscal year

(2) The fiscal year of each corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1970,
cc. 53, 89,
do not apply

(3) *The Business Corporations Act* does not apply to the Ontario Development Corporation and *The Corporations Act* does not apply to the Eastern Ontario Development Corporation or the Northern Ontario Development Corporation.

8. The Lieutenant Governor in Council shall appoint a person to whom *The Public Service Act* applies to be the managing director and chief executive of the Ontario Development Corporation. Managing director
R.S.O. 1970,
c. 386

9.—(1) The directors for the time being of each corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board. Board of
Directors

(2) Each corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-
ation

(3) A quorum of directors for each board shall be such number of directors as the board may designate by by-law. Quorum

(4) The board of each corporation may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the corporation. By-laws

(5) The affairs of each corporation are under the management and control of its board for the time being, and a chairman shall preside at all meetings of the board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Management

10. All rights of the Minister of Her Majesty in right of Ontario under any agreement heretofore entered into by the Minister under *The Economic Development Loans Guarantee Act, 1962-63*, are vested in the Ontario Development Corporation. Rights of
Minister
under
agreements
to be rights of
Ontario
Development
Corporation
1962-3, c. 40

11. The objects of the corporations are to encourage and assist in the development and diversification of industry in Ontario, including, without limiting the generality of the foregoing, Objects

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

12.—(1) Notwithstanding any other Act, each corporation for the objects set out in section 8 possesses power to,

- (a) lend money to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender approved by the corporation to a person carrying on any industrial undertaking in Ontario where in the opinion of the board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity approved under section 5 of *The Ministry of Industry and Tourism Act* and forgive repayment of the loan in whole or in part;
- (d) take security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property or otherwise;
- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (f) buy, acquire, accept, and hold, exchange, transfer, assign, sell, dispose of or deal in, either absolutely or by way of security or otherwise, all kinds of bills, notes, negotiable instruments, commercial paper, conditional sale agreements, lien notes, hire purchase agreements, chattel mortgages, bills of lading, bills of sale, warehouse receipts, guarantees, choses in action or instruments of assignment, conveyance, mortgage, pledge, charge or hypothecation, and shares, stocks, bonds, debentures, debenture stocks, securities, obligations, agreements and evidences of debt;
- (g) do all things that are incidental or conducive to the attainment of the objects of the corporation.

(2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of a corporation conferred by clauses *a* and *b* of subsection 1.

Approvals by
Lieutenant
Governor in
Council

(3) In respect of loans made by Northern Ontario Development Corporation or Eastern Ontario Development Corporation under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor.

O.D.C.
deemed
creditor

(4) Where the approval of an area of equalization of industrial opportunity is rescinded, a corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Application
of rescission

(5) Every guarantee executed under the seal of a corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Validity of
guarantee

13.—(1) In this section,

Interpre-
tation

- (a) “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements;
- (b) “owner” includes any person holding a licence, concession or contract under which there had been acquired from the Crown any right to be exercised in respect of, or over, or upon lands;
- (c) “works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

(2) The Northern Ontario Development Corporation may lend money to an owner of land in any territory without municipal organization for the purposes of constructing

N.O.D.C. may
lend for works
or building
repairs

Guarantee
of payment
by Ontario

17.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to a corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity
of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to a corporation, payment whereof is guaranteed by Ontario under this section, is valid and binding upon the corporation and its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question upon any ground whatsoever.

Debentures
lawful
trustee
investments

18. Notwithstanding anything in any other Act, debentures issued by a corporation are at all times a lawful investment for municipal, school and trust funds.

Sale of
corporations'
securities
and of
O.D.C.'s
shares to
Ontario and
provincial
advances to
corporations
authorized

19.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase shares of the Ontario Development Corporation from time to time for an amount equal to their par value;
- (b) to purchase any debentures, bills or notes of a corporation; and
- (c) to make advances to a corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Redemption
of O.D.C.
shares

(3) The Ontario Development Corporation, with the approval of the Lieutenant Governor in Council, may redeem its own shares from time to time.

Investment
of surplus
money

20. A corporation may temporarily invest any surplus moneys not immediately required for the objects of the corporation in,

- (a) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada;
- (b) guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*; R.S.O. 1970,
c. 254
- (c) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies. R.S.C. 1970,
c. B-1

21.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the corporations. Officers and
employees
R.S.O. 1970,
c. 386

(2) Each corporation may engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons. Professional
and other
assistance

22.—(1) The moneys required for the purpose of defraying the administrative expenses of the corporations shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys for
administ-
ration

(2) The moneys required for the purposes of clauses *b* and *c* of subsection 1 of section 12 shall be paid out of the moneys appropriated therefor by the Legislature. Forgivable
loans and
guarantees
Provincial
expenses

(3) The moneys required for the purpose of defraying the administrative expenses of Eastern Ontario Development Corporation shall, during the fiscal year 1973-74, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation. E.O.D.C.
administ-
ration
expenses

23. No member, officer or employee of a corporation, or other person acting on behalf of the corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Act. Limitation
of liability

24. The accounts and financial transactions of each corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the corporation and to the Minister. Audit

Annual
report

25.—(1) The corporations shall make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 12, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The corporations shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require.

R.S.O. 1970,
c. 278
does not
apply

26. *The Mortgage Brokers Act* does not apply to a corporation.

Repeals

27.—(1) *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970 and *The Ontario Development Corporation Amendment Act, 1972*, being chapter 68, are repealed.

Repeals

(2) *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970 and *The Northern Ontario Development Corporation Amendment Act, 1972*, being chapter 69, are repealed.

Commence-
ment

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Development Corporations Act, 1973*.

An Act respecting
Development Corporations
in Ontario

1st Reading

June 15th, 1973

2nd Reading

June 19th, 1973

3rd Reading

June 22nd, 1973

THE HON. C. BENNETT
Minister of Industry and Tourism

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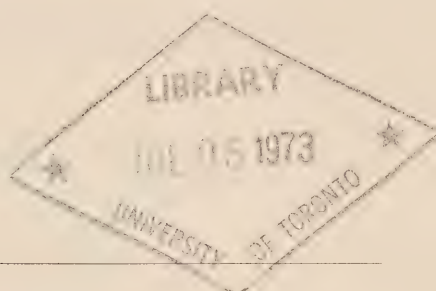
Government
Publication

BILL 170

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Water Resources Act



THE HON. J. A. C. AULD
Minister of the Environment

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The persons referred to in section 11 of the Act who are employees of the Ministry of the Environment have become civil servants and *The Public Service Superannuation Act* applies to them.

SECTION 3. The repeal of this section is complementary to the revision of *The Pesticides Act*.

SECTION 4. The repeal of this clause is complementary to the repeal of section 38 of the Act.

BILL 170

1973

An Act to amend The Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Ontario Water Resources Act*, ^{s. 1 (l),} being chapter 332 of the Revised Statutes of Ontario, 1970, ^{re-enacted} is repealed and the following substituted therefor:

(l) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory.
2. Section 11 of the said Act, as re-enacted by the Statutes of ^{s. 11,} Ontario, 1972, chapter 1, section 70, is repealed. ^{repealed}
3. Section 38 of the said Act, as amended by the Statutes of Ontario, ^{s. 38,} 1972, chapter 1, section 70, is repealed. ^{repealed}
4. Clause *u* of subsection 1 of section 62 of the said Act is repealed. ^{s. 62 (1) (u),} ^{repealed}
- 5.—(1) This Act, except sections 3 and 4, comes into force on the ^{Commence-} day it receives Royal Assent. ^{ment}

(2) Sections 3 and 4 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.
6. This Act may be cited as *The Ontario Water Resources Amendment* ^{Short title} *Act, 1973.*

An Act to amend
The Ontario Water Resources Act

1st Reading

June 19th, 1973

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

(Government Bill)

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BILL 170

Government
Publications

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Water Resources Act

THE HON. J. A. C. AULD
Minister of the Environment



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 170

1973

An Act to amend The Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *l* of section 1 of *The Ontario Water Resources Act*, ^{s. 1 (l), re-enacted} being chapter 332 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (l) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory.
2. Section 11 of the said Act, as re-enacted by the Statutes of ^{s. 11, repealed} Ontario, 1972, chapter 1, section 70, is repealed.
3. Section 38 of the said Act, as amended by the Statutes of Ontario, ^{s. 38, repealed} 1972, chapter 1, section 70, is repealed.
4. Clause *u* of subsection 1 of section 62 of the said Act is repealed. ^{s. 62 (1) (u), repealed}
- 5.—(1) This Act, except sections 3 and 4, comes into force on the ^{Commence-ment} day it receives Royal Assent.
 - (2) Sections 3 and 4 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.
6. This Act may be cited as *The Ontario Water Resources Amendment Act*, 1973. ^{Short title}

An Act to amend
The Ontario Water Resources Act

1st Reading

June 19th, 1973

2nd Reading

October 9th, 1973

3rd Reading

October 11th, 1973

THE HON. J. A. C. AULD
Minister of the Environment

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-B56

BILL 171

Government
Publications

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Environmental Protection Act, 1971

THE HON. J. A. C. AULD
Minister of the Environment



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Clause *e* is amended to authorize the Ministry to conduct training programs. Clause *h* is amended to authorize the establishment and operation of waste management systems and sewage systems under Part VII.

SECTION 2. The sections are revised as follows:

1. The sale of a motor or motor vehicle is prohibited if the motor or motor vehicle does not comply with the regulations (section 23 (1)).
2. The operation of a motor or motor vehicle is prohibited if the motor or motor vehicle does not comply with the regulations (section 24 (1)).
3. Section 23 (2, 3) and section 24 (2) are revised to apply only where the manufacturer installs pollution control equipment.
4. The offence provisions of the sections are removed in order that the general offence provisions of the Act will apply.

BILL 171

1973

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *h* of section 3 of *The Environmental Protection Act, 1971*, being chapter 86, are repealed and the following substituted therefor: s. 3 (*e, h*),
re-enacted

(*e*) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

.

(*h*) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII.

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor: ss. 23, 24,
re-enacted

23.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations. Sale of motor vehicle that does not comply with regulations

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations. Where system or device installed on motor vehicle

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, Repair or replacement of system or device

no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type.

Operation
of motor or
motor vehicle

24.—(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a motor or motor vehicle or any class or type thereof that that does not comply with the regulations.

Where
system
or device
required

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation.

s. 25.
re-enacted

3. Section 25 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

25. In this Part, "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Part and the regulations related thereto.

ss. 26a, 26b.
enacted

4. The said Act is amended by adding thereto the following sections:

Interpre-
tation

26a.—(1) In this section,

- (a) "ice shelter" means any structure on or over ice over any water that is or may be used for shelter, privacy or the storage or sale of any thing, but does not include a structure that is not located on or over ice over any water for more than one day;
- (b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;
- (c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

Discharge
or deposit
of waste
prohibited

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water.

SECTION 3. Self-explanatory.

SECTION 4. Section 26*a* provides for control of the use of shelters placed on ice over any water.

The discharge or deposit of waste from such a shelter is prohibited and provision is made for the removal of such shelters by provincial officers where such shelters are placed or allowed to remain on ice over any water in contravention of the regulations. Provision is made for notice to the owners of a shelter that is removed, where the provincial officer is able to determine the name and address of the owner and for the disposition without liability where the shelter is not reclaimed or the costs and charges for removal and storage are not paid.

Section 26*b* protects a provincial officer or a person acting under the direction of a provincial officer from a civil action for damages but does not prevent such an action against the Crown.

(3) Except as provided in subsection 4, where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed, ^{Removal of ice shelter by provincial officer}

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal. ^{Idem, out of season}

(5) The owner of an ice shelter that has been removed pursuant to subsection 3 or 4 may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection 3, whichever is later, or within thirty days after service of the notice mentioned in subsection 4, as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter. ^{Where owner may retake possession of ice shelter}

(6) Where the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 does not take possession of the ice shelter pursuant to subsection 5, ^{Where provincial officer may dispose of ice shelter}

(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection 3 or 4 shall be in such form as the regulations may prescribe and shall state that the owner may take possession of the ice shelter pursuant to subsection 5 and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor. ^{Notice}

Protection
from
personal
liability

26b.—(1) No action or other proceeding for damages or otherwise shall be instituted against a provincial officer removing an ice shelter pursuant to section 26a or a person having the charge, management or control of a place where such an ice shelter is stored or anyone acting under the direction of such provincial officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not
relieved
of liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Part VI,
re-enacted

5. Part VI of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 18 to 21, is repealed and the following substituted therefor:

PART VI

ABANDONED MOTOR VEHICLES

Interpre-
tation

49. In this Part,

(a) “abandoned motor vehicle” means a vehicle that has been left unattended without lawful authority and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of licence plates, to be abandoned;

(b) “abandoned motor vehicle site” means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

(ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;

SECTION 5. The repealed Part VI dealt with pesticides and the repeal is complementary to the enactment of *The Pesticides Act, 1973*.

The new Part VI authorizes the removal of an abandoned motor vehicle and its disposition if the owner or any other person having any right or interest in the vehicle does not pay the costs and charges of removal and storage within thirty days from the date of service of notice of removal or, where notice has not been served, within thirty days after the removal.

An owner or other person having a right or interest in an abandoned motor vehicle that is disposed of and who is not aware of the removal of the vehicle before its disposition, may apply for compensation.

- (c) "Director" means the Director of the Waste Management Branch of the Ministry;
- (d) "officer" means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found.

50. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. Removal of abandoned motor vehicle

51. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. Notice to owner

52. A notice under section 51 shall, Contents of notice

- (a) contain a description of,
- (i) the abandoned motor vehicle,
 - (ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,
 - (iii) the date of removal, and
 - (iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;
- (b) state,
- (i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and
 - (ii) that the owner shall forthwith upon receipt of the notice notify any person having a right

or interest in the abandoned motor vehicle, of whom he has knowledge, of the receipt and contents of the notice of removal.

Where
owner
may retake
possession

53. The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 51 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site.

Disposal
of vehicle

54. Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 53, the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Treasurer of Ontario.

Protection
from
personal
liability

55.—(1) No action or other proceeding for damages or otherwise shall be instituted against an officer removing an abandoned motor vehicle or a person having the charge and control of an abandoned motor vehicle site or anyone acting under the direction of such officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty under this Part.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Ownership

55a. Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 54, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pur-

suant to section 54 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle.

55b. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 54 does not, acting in good faith through any cause beyond his control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 55c within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site. ^{Compensation}

55c. A person applying for compensation pursuant to section 55b shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge. ^{Claim for compensation}

55d. The Director may award compensation under section 55b in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a copy thereof to the applicant by registered mail at the address set out in the application. ^{Director's certificate}

55e. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time. ^{When certificate final}

55f. The applicant may appeal to the Board at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X. ^{Appeal}

55g. Where the Director has sent his certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund. ^{Payment}

Recovery
of moneys

55*h*. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 55*g* recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Part VII,
amended

6. Part VII of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 22 to 26, is further amended by adding thereto the following sections:

Interpre-
tation

61*a*.—(1) In this section, “municipality” means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a local board of a health unit or a local board of health.

Minister
may enter
into agree-
ment with
municipality

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the area under the jurisdiction of the municipality providing for,

- (a) the issuance by the municipality of certificates of approval pursuant to this Part;
- (b) the issuance by the municipality of permits pursuant to this Part;
- (c) the making of orders by the municipality pursuant to this Part;
- (d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,
 - (i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and
 - (ii) with respect to such applications under *The Planning Act* for a consent under section 29 of that Act or for approval of a plan of subdivision under section 33 of that Act as may be specified in the agreement; or

R.S.O. 1970,
c. 349

SECTION 6. These provisions authorize the delegation to a municipality, as defined, of the responsibility for carrying out the control under Part VII of septic tanks and other sewage systems under the Part.

Provision is also made for the imposition of a fee payable when application is made under *The Planning Act* for a consent to a severance or for approval of a plan of subdivision except in the cases:

1. Where a consent is required for severance of land under *The Planning Act* and,
 - (a) the land is more than ten acres in area;
 - (b) the land is part of a farm on which the owner resides and the transaction for which the consent is required is made with a member of the owner's immediate family;
 - (c) the land will be served by an approved sewage works; or
 - (d) the land is exempt by the regulations.
2. Where an approval of a plan of subdivision is required under *The Planning Act* and,
 - (a) the land is more than ten acres in area; or
 - (b) the land will be served by an approved sewage works.

- (e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof.

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director or the Executive Director, as the case may require, for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement.

61b.—(1) Subject to subsection 2, where an application is made for a consent under section 29 of *The Planning Act* or for approval of a plan of subdivision under section 33 of *The Planning Act*, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 61a, to the person specified in the agreement,

- (a) in the case of an application under section 29 of *The Planning Act*, for each parcel of land in respect of which the application is made; and
- (b) in the case of an application under section 33 of *The Planning Act*, for each lot on the proposed plan of subdivision.

(2) No fee is payable under subsection 1 in respect of,

- (a) in the case of an application for a consent under section 29 of *The Planning Act*,
- (i) a parcel of land more than ten acres in area in respect of which the application is made,
- (ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

R.S.O. 1970,
c. 332

- (iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 42 of *The Ontario Water Resources Act* to serve the parcel of land; or

R.S.O. 1970,
c. 349

- (b) in the case of an application under section 33 of *The Planning Act*,

- (i) any lot that is more than ten acres in area on the proposed plan of subdivision, or

- (ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 42 of *The Ontario Water Resources Act*,

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection.

Certificate of
exemption

(3) Where an affidavit is filed under subsection 2 with the Director, the Executive Director shall cause to be prepared a certificate of exemption from the provisions of subsection 1 and cause the certificate to be delivered to the person filing the affidavit.

Consent
not to be
given until
fee paid

(4) A consent under section 29 of *The Planning Act* or an approval under section 33 of *The Planning Act* shall not be given before the fees mentioned in subsection 1 have been paid or a certificate has been delivered pursuant to subsection 3.

Interpre-
tation

(5) In this section, "immediate family" means the son, daughter, son-in-law, daughter-in-law, father, mother, grandchild, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands *in loco parentis*.

Recovery

(6) In addition to any other remedy and to any penalty imposed by law, any fee due and payable under this section,

- (a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or

- (b) to the corporation of a metropolitan, regional or district area or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction.

SECTION 7. The amendment authorizes the Minister to designate employees of the Ministry and other persons, in addition to officers of the Ministry, as provincial officers.

SECTION 8. The re-enacted subsections permit a provincial officer to enter at any reasonable time any building, machine, structure or vehicle and take samples or copies and provide that the Crown is liable for any damage or actual costs caused by the provincial officer. The scope of the order that may be made by a provincial judge to assist a provincial officer is similarly broadened.

SECTION 9. The amendment authorizes the stopping and inspection of a motor vehicle by a provincial officer, with police assistance where necessary, for the enforcement of the provisions of the Act and regulations.

7. Section 82 of the said Act is repealed and the following substituted therefor: s. 82.
re-enacted

82. The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto. Designation
of provincial
officers

8. Subsections 1 and 2 of section 84 of the said Act are repealed and the following substituted therefor: s. 84 (1, 2),
re-enacted

(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby. Powers of
provincial
officer

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 1 but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time. Order
authorizing

9. Section 85 of the said Act is amended by adding thereto the following subsections: s. 85.
amended

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the Inspection
of motor
vehicles

Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

Duty of
driver
of motor
vehicle

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection 2.

s. 86,
re-enacted

10. Section 86 of the said Act is repealed and the following substituted therefor:

Obstruction
of provincial
officer

86. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations.

s. 94 (1) (i),
re-enacted

11.—(1) Clause *i* of subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

(i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans.

s. 94 (3),
amended

(2) Subsection 3 of the said section 94 is amended by adding thereto the following clauses:

(d) prescribing forms and providing for their use for the purposes of Part IV;

(e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;

(f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;

(g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water.

SECTION 10. The present section 86 of the Act prohibits obstruction of a provincial officer by a person responsible for a source of contaminant. The re-enacted section prohibits obstruction of a provincial officer by any person.

SECTION 11.—Subsection 1. The amendment is complementary to section 3 (*g*) of the Act which provides for the making of grants and loans.

Subsection 2. The amendment provides for regulations related to new section 26*a* of the Act dealing with shelters placed on ice over any water.

Subsection 3. Section 94 (5) provided for the making of regulations for the purposes of Part VI related to pesticides. The repeal is complementary to the repeal of Part VI.

Subsection 4. Complementary to the amendments to Part VII of the Act.

SECTION 12. Section 102 (2) of the Act provides an immunity from prosecution or conviction in respect of any matter dealt with in an order or program approval where the order or program approval is complied with. The amendment limits the period of immunity to the time within which the order or program approval is in force.

- (3) Subsection 5 of the said section 94, as amended by the <sup>s. 94 (5),
repealed</sup> Statutes of Ontario, 1972, chapter 106, section 31, is repealed.
- (4) Subsection 6 of the said section 94, as amended by the <sup>s. 94 (6),
amended</sup> Statutes of Ontario, 1972, chapter 106, section 31, is further amended by adding thereto the following clauses:
- (k) prescribing fees or rates of fees payable and the procedure for payment under section 61b;
 - (l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;
 - (m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of *The Planning Act* from the <sup>R.S.O. 1970,
c. 349</sup> payment of a fee under section 61b.
- 12.** Subsection 2 of section 102 of the said Act is amended by adding <sup>s. 102 (2),
amended</sup> at the end thereof "that occurs during the period within which the order or program approval is applicable".
- 13.** This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.
- 14.** This Act may be cited as *The Environmental Protection Amendment Act, 1973*. ^{Short title}

An Act to amend
The Environmental Protection
Act, 1971

1st Reading

June 19th, 1973

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

(Government Bill)

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Government
Publications

BILL 171

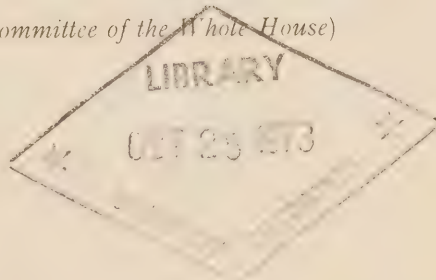
Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Environmental Protection Act, 1971

THE HON. J. A. C. AULD
Minister of the Environment

(Reprinted as amended by the Committee of the Whole House)



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EXPLANATORY NOTES

SECTION 1. Clause *e* is amended to authorize the Ministry to conduct training programs. Clause *h* is amended to authorize the establishment and operation of waste management systems and sewage systems under Part VII.

SECTION 2. The sections are revised as follows:

1. The sale of a motor or motor vehicle is prohibited if the motor or motor vehicle does not comply with the regulations (section 23 (1)).
2. The operation of a motor or motor vehicle is prohibited if the motor or motor vehicle does not comply with the regulations (section 24 (1)).
3. Section 23 (2, 3) and section 24 (2) are revised to apply only where the manufacturer installs pollution control equipment.
4. The offence provisions of the sections are removed in order that the general offence provisions of the Act will apply.

BILL 171

1973

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *h* of section 3 of *The Environmental Protection Act, 1971*, being chapter 86, are repealed and the following substituted therefor: s. 3 (*e, h*),
re-enacted

(*e*) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

.

(*h*) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII.

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor: ss. 23, 24,
re-enacted

23.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations. Sale of motor
vehicle that
does not
comply with
regulations

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations. Where system
or device
installed on
motor vehicle

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, Repair or
replacement
of system
or device

no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type.

Operation
of motor or
motor vehicle

24. —(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a motor or motor vehicle or any class or type thereof that that does not comply with the regulations.

Where
system
or device
required

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation.

s. 25,
re-enacted

3. Section 25 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

25. In this Part, "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Part and the regulations related thereto.

ss. 26a, 26b,
enacted

4. The said Act is amended by adding thereto the following sections:

Interpre-
tation

26a.—(1) In this section,

(a) "ice shelter" means any structure that is located on or over ice over any water for more than one day and that is or may be used for shelter, privacy or the storage or sale of any thing;

(b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;

(c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

Discharge
or deposit
of waste
prohibited

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water except in accordance with the regulations.

SECTION 3. Self-explanatory.

SECTION 4. Section 26*a* provides for control of the use of shelters placed on ice over any water.

The discharge or deposit of waste from such a shelter is prohibited and provision is made for the removal of such shelters by provincial officers where such shelters are placed or allowed to remain on ice over any water in contravention of the regulations. Provision is made for notice to the owners of a shelter that is removed, where the provincial officer is able to determine the name and address of the owner and for the disposition without liability where the shelter is not reclaimed or the costs and charges for removal and storage are not paid.

Section 26*b* protects a provincial officer or a person acting under the direction of a provincial officer from a civil action for damages but does not prevent such an action against the Crown.

(3) Except as provided in subsection 4, where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed, Removal of ice shelter by provincial officer

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal. Idem, out of season

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection 3, whichever is later, or within thirty days after service of the notice mentioned in subsection 4, as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter. Where owner may retake possession of ice shelter

(6) Where the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 does not take possession of the ice shelter pursuant to subsection 5, Where provincial officer may dispose of ice shelter

(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection 3 or 4 shall be in such form as the regulations may prescribe and shall state that Notice

the owner may take possession of the ice shelter pursuant to subsection 5 and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor and, where the ice shelter has been removed or caused to be removed pursuant to subsection 4 and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter.

Means of
removal

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection 3 or 4 but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal.

Damage or
destruction
during
removal

(9) Where an ice shelter is removed pursuant to subsection 3 or 4 and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction.

Protection
from
personal
liability

26b.—(1) No action or other proceeding for damages or otherwise shall be instituted against a provincial officer removing an ice shelter pursuant to section 26a or a person having the charge, management or control of a place where such an ice shelter is stored or anyone acting under the direction of such provincial officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not
relieved
of liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Part VI,
re-enacted

5. Part VI of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 18 to 21, is repealed and the following substituted therefor:

PART VI

ABANDONED MOTOR VEHICLES

Interpre-
tation

49. In this Part,

- (a) "abandoned motor vehicle" means a vehicle that has been left unattended without lawful authority

SECTION 5. The repealed Part VI dealt with pesticides and the repeal is complementary to the enactment of *The Pesticides Act, 1973*.

The new Part VI authorizes the removal of an abandoned motor vehicle and its disposition if the owner or any other person having any right or interest in the vehicle does not pay the costs and charges of removal and storage within thirty days from the date of service of notice of removal or, where notice has not been served, within thirty days after the removal.

An owner or other person having a right or interest in an abandoned motor vehicle that is disposed of and who is not aware of the removal of the vehicle before its disposition, may apply for compensation.

and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of licence plates, to be abandoned;

(b) "abandoned motor vehicle site" means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

(ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;

(c) "Director" means the Director of the Waste Management Branch of the Ministry;

(d) "officer" means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found.

50. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. Removal of abandoned motor vehicle

51. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. Notice to owner

52. A notice under section 51 shall, Contents of notice

(a) contain a description of,

(i) the abandoned motor vehicle,

(ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,

(iii) the date of removal, and

(iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;

(b) state,

(i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and

(ii) that the owner shall forthwith upon receipt of the notice notify any person having a right or interest in the abandoned motor vehicle, of whom he has knowledge, of the receipt and contents of the notice of removal.

Where
owner
may retake
possession

53. The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 51 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site.

Disposal
of vehicle

54. Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 53, the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Treasurer of Ontario.

Protection
from
personal
liability

55.—(1) No action or other proceeding for damages or otherwise shall be instituted against an officer removing an abandoned motor vehicle or a person having the charge and

control of an abandoned motor vehicle site or anyone acting under the direction of such officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty under this Part.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

55a. Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 54, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 54 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle.

Ownership

55b. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 54 does not, acting in good faith through any cause beyond his control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 55c within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site.

Compensation

55c. A person applying for compensation pursuant to section 55b shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge.

Claim for
compensation

55d. The Director may award compensation under section 55b in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a

Director's
certificate

a copy thereof to the applicant by registered mail at the address set out in the application.

When
certificate
final

55e. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time.

Appeal

55f. The applicant may appeal to the Board at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment

55g. Where the Director has sent his certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund.

Recovery
of moneys

55h. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 55g recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Part VII,
amended

6. Part VII of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 22 to 26, is further amended by adding thereto the following sections:

Interpre-
tation

61a.—(1) In this section, “municipality” means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a county, a local board of health unit or a local board of health.

Minister
may enter
into agree-
ment with
municipality

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for,

- (a) the issuance by the municipality of certificates of approval pursuant to this Part;

SECTION 6. These provisions authorize the delegation to a municipality, as defined, of the responsibility for carrying out the control under Part VII of septic tanks and other sewage systems under the Part.

Provision is also made for the imposition of a fee payable when application is made under *The Planning Act* for a consent to a severance or for approval of a plan of subdivision except in the cases:

1. Where a consent is required for severance of land under *The Planning Act* and,
 - (a) the land is more than ten acres in area;
 - (b) the land is part of a farm on which the owner resides and the transaction for which the consent is required is made with a member of the owner's immediate family;
 - (c) the land will be served by an approved sewage works; or
 - (d) the land is exempt by the regulations.
2. Where an approval of a plan of subdivision is required under *The Planning Act* and,
 - (a) the land is more than ten acres in area; or
 - (b) the land will be served by an approved sewage works.

- (b) the issuance by the municipality of permits pursuant to this Part ;
- (c) the making of orders by the municipality pursuant to this Part ;
- (d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,
 - (i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and
 - (ii) with respect to such applications under *The Planning Act* for a consent under section 29 of that Act or for approval of a plan of subdivision under section 33 of that Act as may be specified in the agreement ; or
- (e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof.

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director or the Executive Director, as the case may require, for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement.

61b.—(1) Subject to subsection 2, where an application is made for a consent under section 29 of *The Planning Act* or for approval of a plan of subdivision under section 33 of *The Planning Act*, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 61a, to the person specified in the agreement,

- (a) in the case of an application under section 29 of *The Planning Act*, for each parcel of land in respect of which the application is made ; and
- (b) in the case of an application under section 33 of *The Planning Act*, for each lot on the proposed plan of subdivision.

Exemption

(2) No fee is payable under subsection 1 in respect of,

(a) in the case of an application for a consent under section 29 of *The Planning Act*,

(i) a parcel of land more than ten acres in area in respect of which the application is made,

(ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

(iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 42 of *The Ontario Water Resources Act* to serve the parcel of land; or

R.S.O. 1970,
c. 332

R.S.O. 1970,
c. 349

(b) in the case of an application under section 33 of *The Planning Act*,

(i) any lot that is more than ten acres in area on the proposed plan of subdivision, or

(ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 42 of *The Ontario Water Resources Act*,

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection.

Certificate of exemption

(3) Where an affidavit is filed under subsection 2 with the Director, the Executive Director shall cause to be prepared a certificate of exemption from the provisions of subsection 1 and cause the certificate to be delivered to the person filing the affidavit.

Consent not to be given until fee paid

(4) A consent under section 29 of *The Planning Act* or an approval under section 33 of *The Planning Act* shall not be given before the fees mentioned in subsection 1 have been paid or a certificate has been delivered pursuant to subsection 3.

Interpretation

(5) In this section, "immediate family" means the son, daughter, son-in-law, daughter-in-law, father, mother, grand-

SECTION 7. The amendment authorizes the Minister to designate employees of the Ministry and other persons, in addition to officers of the Ministry, as provincial officers.

SECTION 8. The re-enacted subsections permit a provincial officer to enter at any reasonable time any building, machine, structure or vehicle and take samples or copies and provide that the Crown is liable for any damage or actual costs caused by the provincial officer. The scope of the order that may be made by a provincial judge to assist a provincial officer is similarly broadened.

child, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands *in loco parentis*.

(6) In addition to any other remedy and to any penalty Recovery imposed by law, any fee due and payable under this section,

(a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or

(b) to the corporation of a metropolitan, regional or district area, a county or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction.

7. Section 82 of the said Act is repealed and the following substituted therefor: s. 82, re-enacted

82. The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto. Designation of provincial officers

8. Subsections 1 and 2 of section 84 of the said Act are repealed and the following substituted therefor: s. 84(1, 2), re-enacted

(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby. Powers of provincial officer

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 1 but every such entry, survey, examination, investigation, Order authorizing

test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

s. 85,
amended

9. Section 85 of the said Act is amended by adding thereto the following subsections:

Inspection
of motor
vehicles

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

Duty of
driver
of motor
vehicle

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection 2.

s. 86,
re-enacted

10. Section 86 of the said Act is repealed and the following substituted therefor:

Obstruction
of provincial
officer

86. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations.

s. 94 (1) (i),
re-enacted

11. —(1) Clause *i* of subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

(i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans.

s. 94 (3),
amended

- (2) Subsection 3 of the said section 94 is amended by adding thereto the following clauses:

(d) prescribing forms and providing for their use for the purposes of Part IV;

(e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;

SECTION 9. The amendment authorizes the stopping and inspection of a motor vehicle by a provincial officer, with police assistance where necessary, for the enforcement of the provisions of the Act and regulations.

SECTION 10. The present section 86 of the Act prohibits obstruction of a provincial officer by a person responsible for a source of contaminant. The re-enacted section prohibits obstruction of a provincial officer by any person.

SECTION 11.—Subsection 1. The amendment is complementary to section 3 (g) of the Act which provides for the making of grants and loans.

Subsection 2. The amendment provides for regulations related to new section 26a of the Act dealing with shelters placed on ice over any water.

Subsection 3. Section 94 (5) provided for the making of regulations for the purposes of Part VI related to pesticides. The repeal is complementary to the repeal of Part VI.

Subsection 4. Complementary to the amendments to Part VII of the Act.

SECTION 12. Section 102 (2) of the Act provides an immunity from prosecution or conviction in respect of any matter dealt with in an order or program approval where the order or program approval is complied with. The amendment limits the period of immunity to the time within which the order or program approval is in force.

(f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;

(g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water.

(3) Subsection 5 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is repealed. ^{s. 94 (5), repealed}

(4) Subsection 6 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is further amended by adding thereto the following clauses: ^{s. 94 (6), amended}

(k) prescribing fees or rates of fees payable and the procedure for payment under section 61b;

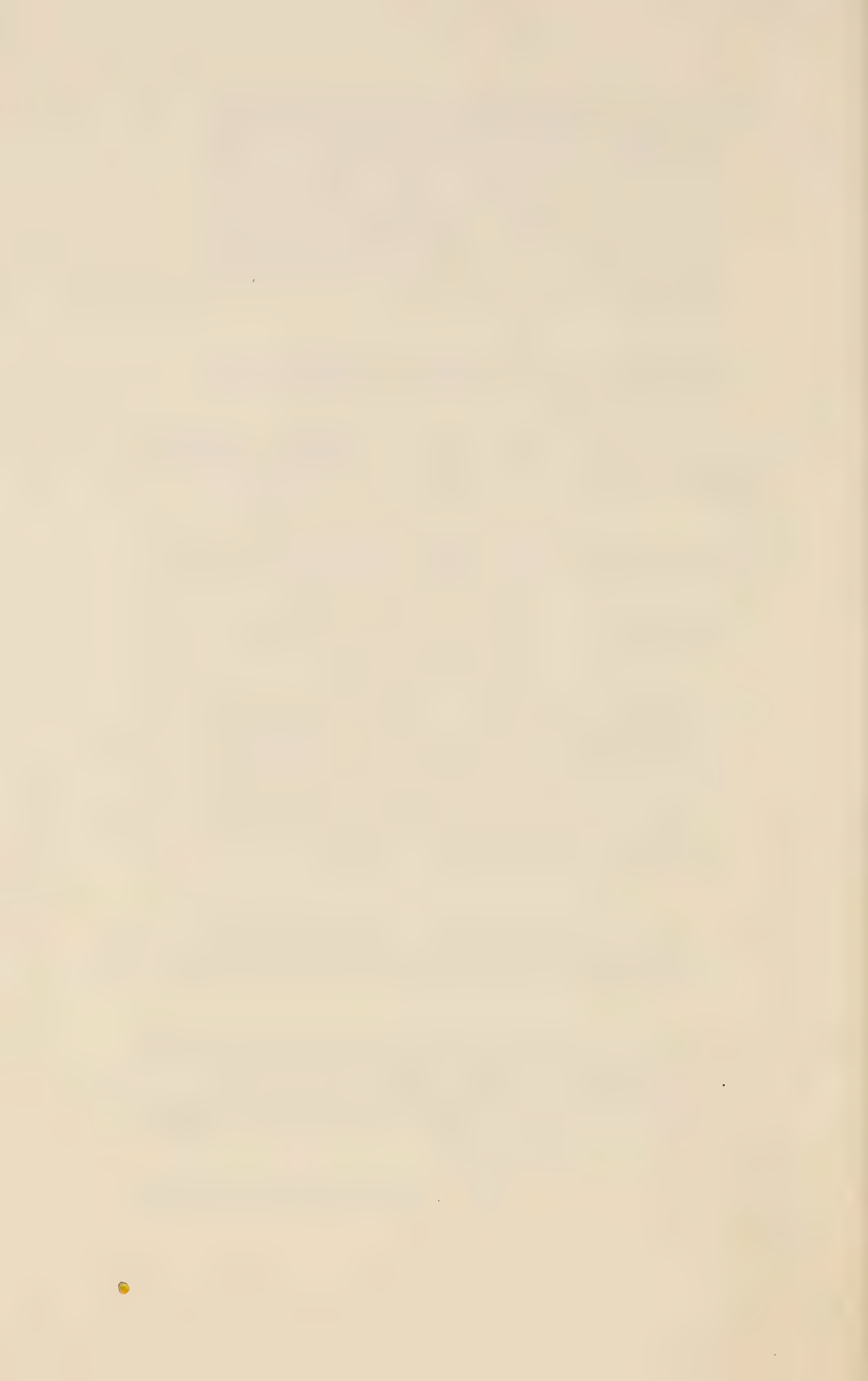
(l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;

(m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of *The Planning Act* from the payment of a fee under section 61b. ^{R.S.O. 1970, c. 349}

12. Subsection 2 of section 102 of the said Act is amended by adding at the end thereof "that occurs during the period within which the order or program approval is applicable". ^{s. 102 (2), amended}

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

14. This Act may be cited as *The Environmental Protection Amendment Act, 1973*. ^{Short title}



An Act to amend
The Environmental Protection
Act, 1971

1st Reading

June 19th, 1973

2nd Reading

October 11th, 1973

3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

*(Reprinted as amended by the
Committee of the Whole House)*

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BILL 171

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Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Environmental Protection Act, 1971

THE HON. J. A. C. AULD
Minister of the Environment



TORONTO

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BILL 171

1973

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *h* of section 3 of *The Environmental Protection Act, 1971*, being chapter 86, are repealed and the following substituted therefor: s. 3 (*e, h*),
re-enacted

(*e*) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

.

(*h*) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII.

2. Sections 23 and 24 of the said Act are repealed and the following substituted therefor: ss. 23, 24,
re-enacted

23.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations. a Sale of motor
vehicle that
does not
comply with
regulations

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations. Where system
or device
is installed on
motor vehicle

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, Repair or
replacement
of system
or device

no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type.

Operation
of motor or
motor vehicle

24.—(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a motor or motor vehicle or any class or type thereof that that does not comply with the regulations.

Where
system
or device
required

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation.

s. 25,
re-enacted

3. Section 25 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

25. In this Part, "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Part and the regulations related thereto.

ss. 26a, 26b,
enacted

4. The said Act is amended by adding thereto the following sections:

Interpre-
tation

26a.—(1) In this section,

- (a) "ice shelter" means any structure that is located on or over ice over any water for more than one day and that is or may be used for shelter, privacy or the storage or sale of any thing;
- (b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;
- (c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

Discharge
or deposit
of waste
prohibited

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water except in accordance with the regulations.

(3) Except as provided in subsection 4, where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed, ^{Removal of ice shelter by provincial officer}

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal. ^{Idem, out of season}

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection 3, whichever is later, or within thirty days after service of the notice mentioned in subsection 4, as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter. ^{Where owner may retake possession of ice shelter}

(6) Where the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 does not take possession of the ice shelter pursuant to subsection 5, ^{Where provincial officer may dispose of ice shelter}

(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection 3 or 4 shall be in such form as the regulations may prescribe and shall state that ^{Notice}

the owner may take possession of the ice shelter pursuant to subsection 5 and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor and, where the ice shelter has been removed or caused to be removed pursuant to subsection 4 and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter.

Means of
removal

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection 3 or 4 but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal.

Damage or
destruction
during
removal

(9) Where an ice shelter is removed pursuant to subsection 3 or 4 and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction.

Protection
from
personal
liability

26b.—(1) No action or other proceeding for damages or otherwise shall be instituted against a provincial officer removing an ice shelter pursuant to section 26a or a person having the charge, management or control of a place where such an ice shelter is stored or anyone acting under the direction of such provincial officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not
relieved
of liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Part VI,
re-enacted

5. Part VI of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 18 to 21, is repealed and the following substituted therefor:

PART VI

ABANDONED MOTOR VEHICLES

Interpre-
tation

49. In this Part,

- (a) "abandoned motor vehicle" means a vehicle that has been left unattended without lawful authority

and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of licence plates, to be abandoned;

(b) “abandoned motor vehicle site” means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

(ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;

(c) “Director” means the Director of the Waste Management Branch of the Ministry;

(d) “officer” means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found.

50. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. Removal of abandoned motor vehicle

51. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. Notice to owner

52. A notice under section 51 shall, Contents of notice

(a) contain a description of,

(i) the abandoned motor vehicle,

(ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,

(iii) the date of removal, and

(iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;

(b) state,

(i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and

(ii) that the owner shall forthwith upon receipt of the notice notify any person having a right or interest in the abandoned motor vehicle, of whom he has knowledge, of the receipt and contents of the notice of removal.

Where
owner
may retake
possession

53. The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 51 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site.

Disposal
of vehicle

54. Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 53, the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Treasurer of Ontario.

Protection
from
personal
liability

55.—(1) No action or other proceeding for damages or otherwise shall be instituted against an officer removing an abandoned motor vehicle or a person having the charge and

control of an abandoned motor vehicle site or anyone acting under the direction of such officer or person for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty under this Part.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

55a. Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 54, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 54 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle.

Ownership

55b. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 54 does not, acting in good faith through any cause beyond his control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 55c within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site.

Compensation

55c. A person applying for compensation pursuant to section 55b shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge.

Claim for
compensation

55d. The Director may award compensation under section 55b in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a

Director's
certificate

a copy thereof to the applicant by registered mail at the address set out in the application.

When
certificate
final

55e. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time.

Appeal

55f. The applicant may appeal to the Board at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment

55g. Where the Director has sent his certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund.

Recovery
of moneys

55h. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 55g recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

Part VII,
amended

6. Part VII of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 22 to 26, is further amended by adding thereto the following sections:

Interpre-
tation

61a.—(1) In this section, “municipality” means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a county, a local board of a health unit or a local board of health.

Minister
may enter
into agree-
ment with
municipality

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for,

- (a) the issuance by the municipality of certificates of approval pursuant to this Part;

- (b) the issuance by the municipality of permits pursuant to this Part;
- (c) the making of orders by the municipality pursuant to this Part;
- (d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,
 - (i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and
 - (ii) with respect to such applications under *The Planning Act* for a consent under section 29 of that Act or for approval of a plan of subdivision under section 33 of that Act as may be specified in the agreement; or
- (e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof.

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director or the Executive Director, as the case may require, for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement.

61b.—(1) Subject to subsection 2, where an application is made for a consent under section 29 of *The Planning Act* or for approval of a plan of subdivision under section 33 of *The Planning Act*, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 61a, to the person specified in the agreement,

- (a) in the case of an application under section 29 of *The Planning Act*, for each parcel of land in respect of which the application is made; and
- (b) in the case of an application under section 33 of *The Planning Act*, for each lot on the proposed plan of subdivision.

Exemption

(2) No fee is payable under subsection 1 in respect of,

(a) in the case of an application for a consent under section 29 of *The Planning Act*,

(i) a parcel of land more than ten acres in area in respect of which the application is made,

(ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

(iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 42 of *The Ontario Water Resources Act* to serve the parcel of land; or

R.S.O. 1970,
c. 332

(b) in the case of an application under section 33 of *The Planning Act*,

(i) any lot that is more than ten acres in area on the proposed plan of subdivision, or

(ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 42 of *The Ontario Water Resources Act*,

R.S.O. 1970,
c. 349

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection.

Certificate of exemption

(3) Where an affidavit is filed under subsection 2 with the Director, the Executive Director shall cause to be prepared a certificate of exemption from the provisions of subsection 1 and cause the certificate to be delivered to the person filing the affidavit.

Consent not to be given until fee paid

(4) A consent under section 29 of *The Planning Act* or an approval under section 33 of *The Planning Act* shall not be given before the fees mentioned in subsection 1 have been paid or a certificate has been delivered pursuant to subsection 3.

Interpretation

(5) In this section, "immediate family" means the son, daughter, son-in-law, daughter-in-law, father, mother, grand-

child, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands *in loco parentis*.

(6) In addition to any other remedy and to any penalty Recovery imposed by law, any fee due and payable under this section,

(a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or

(b) to the corporation of a metropolitan, regional or district area, a county or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction.

7. Section 82 of the said Act is repealed and the following substituted therefor: s. 82, re-enacted

82. The Minister may designate in writing one or more Designation of provincial officers officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto.

8. Subsections 1 and 2 of section 84 of the said Act are repealed s. 84 (1, 2), re-enacted and the following substituted therefor:

(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby. Powers of provincial officer

(2) Where a provincial judge is satisfied, upon an *ex parte* Order authorizing application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 1 but every such entry, survey, examination, investigation,

test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

s. 85,
amended

9. Section 85 of the said Act is amended by adding thereto the following subsections:

Inspection
of motor
vehicles

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

Duty of
driver
of motor
vehicle

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection 2.

s. 86,
re-enacted

10. Section 86 of the said Act is repealed and the following substituted therefor:

Obstruction
of provincial
officer

86. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations.

s. 94 (1) (i),
re-enacted

- 11.—(1) Clause *i* of subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

(i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans.

s. 94 (3),
amended

- (2) Subsection 3 of the said section 94 is amended by adding thereto the following clauses:

(d) prescribing forms and providing for their use for the purposes of Part IV;

(e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;

(f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;

(g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water.

(3) Subsection 5 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is ^{s. 94 (5), repealed} repealed.

(4) Subsection 6 of the said section 94, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is ^{s. 94 (6), amended} further amended by adding thereto the following clauses:

(k) prescribing fees or rates of fees payable and the procedure for payment under section 61b;

(l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;

(m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of *The Planning Act* from the ^{R.S.O. 1970, c. 349} payment of a fee under section 61b.

12. Subsection 2 of section 102 of the said Act is amended by adding ^{s. 102 (2), amended} at the end thereof "that occurs during the period within which the order or program approval is applicable".

13. This Act comes into force on a day to be named by the <sup>Commence-
ment</sup> Lieutenant Governor by his proclamation.

14. This Act may be cited as *The Environmental Protection Amend-Short title
ment Act, 1973.*

An Act to amend
The Environmental Protection
Act, 1971

1st Reading

June 19th, 1973

2nd Reading

October 11th, 1973

3rd Reading

October 11th, 1973

THE HON. J. A. C. AULD
Minister of the Environment

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-B 56

BILL 172

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Govern

An Act to amend The Public Service Act

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that *The Statutory Powers Procedure Act, 1971* does not apply to proceedings and decisions under *The Public Service Act* or the regulations thereunder.

BILL 172

1973

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

31. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings and decisions under this Act or the regulations.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Public Service Amendment Act, 1973*.

s. 31,
enacted

1971, c. 47,
not to apply

Commence-
ment

Short title

An Act to amend
The Public Service Act

1st Reading

June 19th, 1973

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet

(Government Bill)

BILL 172

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Service Act

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An Act to amend
The Public Service Act

1st Reading

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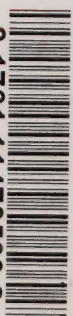
2nd Reading

June 22nd, 1973

3rd Reading

June 22nd, 1973

THE HON. E. A. WINKLER
Chairman Management Board of Cabinet



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